

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

466th REGULAR BOARD MEETING

Thursday, September, 11, 2003
10:56 A.M.

The Metropolitan Water District
of Southern California Board Room
700 North Alameda Street
Los Angeles, California

BOARD MEMBERS PRESENT:

SUSAN M. CLOKE, Chair

FRANCINE DIAMOND, Vice-Chair

R. KEITH McDONALD

H. DAVID NAHAI

TIM SHAHEEN

Reported by: ELIZABETH RIORDAN, CSR 11252, RPR

Job No.: 03-25530

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1 LOS ANGELES, CALIFORNIA; THURSDAY, SEPTEMBER 11, 2003

2 MEETING COMMENCED AT 9:20 A.M.

3 TRANSCRIBED ITEM BEGAN AT 10:56 A.M.

4 --oOo--

5

6 CHAIRPERSON CLOKE: Come back to order, please,
7 and take your seats now.

8 Ms. Harris, can you read the opening
9 statement for Sunshine Canyon Landfill continued from
10 the July 24, 2003, Board meeting.

11 MR. SAMS: This is the continuation, so perhaps
12 you should not read the original statement.

13 CHAIRPERSON CLOKE: I would still like to swear
14 in everybody who is going to give testimony today.

15 MR. SAMS: That's correct.

16 CHAIRPERSON CLOKE: So this is a continuation of
17 the Sunshine Canyon City Landfill Application, and this
18 matter is continued from the July 24th, 2003, Board
19 meeting.

20 If you are here to give testimony on this
21 matter or you plan to speak on this matter today, please
22 stand, raise your hand, and repeat after me.

23 (Audience members stand and repeat the
24 oath with Chairperson Cloke.)

25 CHAIRPERSON CLOKE: I promise to tell the truth,

1 the whole truth, and nothing but the truth under penalty
2 of perjury.

3 CHAIRPERSON CLOKE: Thank you very much.

4 Okay. It's eleven o'clock, almost
5 eleven o'clock. So that the audience knows what to
6 expect, we have a lot of speaker cards. The order of
7 presentation today is going to begin with our staff who
8 are going to make the official staff presentation.

9 They are going to be followed by
10 Dr. Stratton and Dr. Simon who are -- Dr. Stratton
11 works for OEHHA and Dr. Simon works for the L.A. County
12 Department of Health. But they are here today in
13 response to questions which the Board raised at the
14 July 24th meeting and are really an addendum to our
15 staff report.

16 We may, at that time, find that it is an
17 appropriate time to take a lunch break and go into
18 closed session, depending on how long that section
19 takes. So I cannot tell you now, but either before or
20 immediately after lunch, depending on the timing, we
21 will take the representatives from the elected
22 officials' offices.

23 Following that, we will ask the members of
24 the discharger team -- I think there are five or six
25 people on that -- to make their presentation. That

1 presentation has a 30-minute time limit on it.

2 And we will then take individual testimony
3 from other interested parties and if you have -- if this
4 is your first time speaking to this Board on this
5 matter, the clock will be set for three minutes. If
6 this is your second time speaking to the Board on this
7 matter, the clock will be set for one minute. However,
8 people speaking for the second time, if you have new or
9 additional information which supplements what you told
10 us at the July 24th meeting, we will extend your time to
11 hear that new information.

12 And I want to remind everybody who's here
13 today that this Board has had several public hearings
14 which we either attended or read the transcripts of the
15 July meeting. We have heard this matter several times
16 sitting as a full Board plus your testimony. We have
17 read the transcripts from the July 24th meeting. So we
18 had another opportunity to review your testimony in the
19 transcripts. We have read what is, I believe, the third
20 iteration of the staff report on this now. And so I
21 don't want anybody to feel that you have, in any way,
22 had your opportunity to speak curtailed in any way.

23 However, I think we all hope this hearing
24 will be over today, and I ask for everybodys'
25 cooperation, and I appreciate it very much.

1 So with that information, I would like to
2 ask for our staff to begin their presentation.

3 Excuse me, Mr. Dickerson.

4 I had heard that some people were having
5 trouble hearing.

6 If for some reason you can't hear, if you
7 could just raise your hand and hold it up there, and I
8 will -- until I nod at you or something. I will try to
9 make sure that everybody gets to hear everything to the
10 best of my ability to do so. Thank you.

11 MR. DICKERSON: Thank you, Madam Chair, members
12 of the Board, good morning.

13 Again, for the record, my name is Dennis
14 Dickerson. I'm the Executive Officer of the Regional
15 Water Quality Control Board. I would like to
16 acknowledge two staff who I've been working with very
17 closely on this matter, Rod Nelson, who is the chief of
18 our landfills unit, and his staff member, Weng Yang.

19 Both of them have been very instrumental
20 in obviously preparing this presentation for my behalf,
21 working up the WDRs for you, and in essence just doing
22 an incredible job I think in pulling together for this
23 assignment, and I thank them both very much for their
24 assistance.

25 At the special Board meeting on July 24th,

1 2003, the Board heard the tentative permit, including
2 Waste Discharge Requirements, WDRs, and the Monitoring
3 the Reporting Program, M&RP, for the proposed Phase I of
4 City Landfill Unit 2 expansion at Sunshine Canyon
5 Landfill.

6 For the remainder of this presentation, I
7 will refer to this as the "Proposed Landfill Expansion."

8 In July, the Board decided to continue the
9 hearing to a later Board meeting and directed staff to
10 gather more information and clarify the proposed project
11 in response to public concerns raised at the hearing.
12 Because this hearing has been continued from the special
13 Board meeting, my presentation will be focused on those
14 questions raised by the Board and will not include
15 details that have been covered at the special Board
16 meeting previously.

17 I would now like to briefly orient you to
18 the site location and the surrounding areas. Sunshine
19 Canyon Landfill is located at the border between the
20 City of Los Angeles and the unincorporated territory of
21 Los Angeles County, to the west of the intersection of
22 the Golden State Freeway, I-5, and the Antelope Valley
23 Freeway, State Route 14.

24 The facility is surrounded by the Santa
25 Susanna Mountains to the north and west, and the

1 communities of Granada Hills and Sylmar to the south and
2 east. The OMelveny Park in the City of Los Angeles is
3 located to the west and southwest of the landfill
4 property, while the Balboa Inlet Tunnel and the
5 Los Angeles Reservoir are located to the east and
6 southeast of the landfill.

7 Water from the California Aqueduct flows
8 through the tunnel to the Jensen Filtration Plant, and
9 it's stored in the reservoir, which is approximately a
10 mile and a half to the entrance of the landfill.

11 And this photograph gives you the general
12 orientation of that with the landfill located in the
13 center upper right area and the freeways' to the
14 immediate right of that. And down below the freeways,
15 there you can see the filtration plant and the
16 communities.

17 The permitting of any landfill is a
18 complex endeavor that involves many agencies with
19 specific and sometimes overlapping authorities. The
20 facility operations, including adequate dust and litter
21 control, are regulated by the California Integrated
22 Waste Management Board and through a permit issued by
23 the Local Enforcement Agency, L.E.A., which in this case
24 is the City of Los Angeles.

25 The permit issued by the City of

1 Los Angeles is in your binder materials at page 12-466.
2 The City will have a full-time inspector assigned to the
3 City landfill as is the case for the currently operating
4 County extension landfill.

5 Landfill gas emission at and near the
6 facility are regulated by the South Coast Air Quality
7 Management District, and the Regional Board's proposed
8 WDRs are focused on preventing and managing any
9 potential contamination of surface and groundwater.

10 Now I'll be getting into a series of
11 slides that specifically respond to the questions that
12 you raised at the July meeting. The first being the
13 question of sewer system capacity.

14 The discharger, BFI, is required to
15 discharge all leachate and gas condensate as well as
16 certain other waste water, such as contaminated
17 groundwater, to the City of Los Angeles sewer system.
18 Staff have confirmed that the sewer system has adequate
19 capacity to take the increased volume of liquid if the
20 entire City/County landfill is developed; that is to
21 say, all phases of the landfill. Both the quantity and
22 quality of waste water discharge to the sewer system
23 from the landfill are regulated by an industrial waste
24 water discharge permit issued by the City of Los
25 Angeles.

1 BFI is currently permitted to discharge up
2 to 66,200 gallons per day of waste water to the sewer
3 system. This compares to the current discharge rate
4 which averages about 17,000 gallons per day.

5 BFI reports that the projected total
6 volume of discharge after the completion of all phases
7 of the City/County landfill is approximately 49,000
8 gallons per day, while the sewerline receives waste
9 water from the landfill, can handle a peak flow of up to
10 324,000 gallons per day.

11 Staff have received confirmation from the
12 City Bureau of Sanitation that there is adequate
13 capacity in the sewer system to take all projected waste
14 water discharged from the proposed expansion of the
15 Sunshine Canyon Landfill with a substantial margin of
16 capacity remaining.

17 Next, I'll be talking with respect to
18 potential impacts on drinking water. The Los Angeles
19 Department of Water and Power owns the Los Angeles
20 Reservoir which is located within approximately
21 two miles of the landfill. In a letter dated August 29,
22 2003, to the Regional Board, Mr. Frank Salas, Chief
23 Administrative Officer of the D.W.P., stated in part,
24 and I'll quote:

25 "Any potential adverse impact to the

1 Los Angeles Reservoir because of Sunshine
2 Canyon Landfill is negligible at this
3 time," unquote.

4 You can find this letter in your binder at
5 page 12-0.1-17.

6 Separately, Metropolitan Water District,
7 M.W.D., owns the nearby Jensen Filtration Plant and
8 Aqueduct. In correspondence received too late to
9 include in your binder, Mr. Ron Gastellum (ph) Chief
10 Executive Officer of M.W.D., stated, in part, and I'll
11 quote here:

12 "It is essential that engineered
13 systems be in place to prevent leachate
14 and landfill gas from entering any of our
15 facilities. These pollution prevention
16 systems are feasible and required by
17 applicable state and federal landfill
18 construction and operations standards,"
19 unquote.

20 CHAIRPERSON CLOKE: Mr. Dickerson, what name was
21 that again?

22 MR. DICKERSON: That was Mr. Gastellum from
23 M.W.D.

24 CHAIRPERSON CLOKE: Okay. I just didn't hear
25 you.

1 MR. DICKERSON: As I will point out later, the
2 tentative WDRs contain requirements that are more
3 stringent than applicable state and federal regulations.
4 Additionally, the specific issue is addressed in the
5 Final Supplemental Environmental Impact Report,
6 or FSEIR, with input from both M.W.D. and the Department
7 of Water and Power for L.A. The FSEIR found no
8 significant impact to these drinking water resources.
9 That is found -- or at least staff identified that on
10 pages 3-92, 93, and 3-126 and 127 in the FSEIR.

11 I would note for the record that staff
12 provided CD's of the FSEIR for you, for your reference,
13 and it will be included as part of the administrative
14 record.

15 During the operational history of the
16 landfill, there have been no complaints received from
17 these water agencies regarding any water quality issues.

18 Next, you asked us to take a look in
19 greater detail with respect to the Corrective Action
20 Program. In accordance with the California Code of
21 Regulations, Title 27, BFI is currently implementing an
22 evaluation monitoring program at the City Side landfill
23 for the protection of volatile organic compounds -- by
24 that I mean the old landfill -- and high concentrations
25 of some inorganic compounds at the site.

1 An evaluation monitoring program is
2 normally followed by a Corrective Action Program when
3 the nature and extent of contamination is assessed.

4 As directed by the Board at the special
5 Board meeting, staff has incorporated a Corrective
6 Action Program into the text of the tentative WDR. The
7 Corrective Action Program was received from BFI August
8 7th, and portions of that document are referenced in the
9 change sheet of Section I, found on page 12-0.1-12.

10 The Corrective Action Program includes the
11 following specific provisions:

12 Construction of an impermeable surface
13 barrier; a cutoff wall across the mouth of the canyon.
14 The cutoff wall will be keyed into bedrock and will cut
15 off the flow of groundwater within the shallow alluvial
16 zone; installation and operation of extraction wells to
17 remove groundwater from behind the cutoff wall. This
18 will control the water levels to achieve an inward
19 gradient and, thereby, prevent any polluted water from
20 flowing out of the canyon;

21 Upgrading and continued operation of the
22 existing groundwater extraction trench that is located
23 upgradient of the proposed cutoff wall; ongoing upgrades
24 and operation of the City Side landfill, the old
25 landfill, gas collection system, to prevent VOCs from

1 landfill gas from getting into groundwater; and
2 modification and upgrading of the groundwater monitoring
3 system at the old City Side landfill.

4 The next slide will show you a photo which
5 shows the locations of the projected cutoff wall and
6 existing groundwater extraction trench. Locations of
7 new groundwater monitoring wells are displayed as yellow
8 dots.

9 Within 30 days of the adoption of the
10 order by the Board, should you adopt it, BFI is required
11 to submit a detailed construction plan for executive
12 officer approval. The red lines on this slide represent
13 the footprint of the old City Side landfill.
14 Groundwater flow in this area is generally from west to
15 east.

16 It should be pointed out, while the
17 Corrective Action Program is being implemented, the
18 Regional Board has the authority to order additional
19 corrective measures if the existing program is not
20 adequate to protect ground and surface water resources.

21 CHAIRPERSON CLOKE: Mr. Dickerson, can you slow
22 down a little bit? We're trying to turn our pages, and
23 we're having trouble keeping up with you.

24 MR. DICKERSON: Okay.

25 CHAIRPERSON CLOKE: I'm looking for the map

1 that's on the slide right now, and I'm looking in the
2 Corrective Action Program. But I don't see the map. Is
3 that where it is, or should I be looking someplace else?

4 MR. DICKERSON: I was referring to the change
5 sheet, 0.1-12, not to the map. The map is actually --

6 CHAIRPERSON CLOKE: I'm looking at 0.1-12, and I
7 don't see a map here.

8 MS. DIAMOND: There is no map.

9 You're referring to the change sheet, and
10 the map that's up on -- that map, is that --

11 MR. DICKERSON: Yes, that's correct. The map is
12 on the first -- I should say the photo is what I'm
13 referring to.

14 MS. DIAMOND: Do we have a copy of that map?

15 MR. DICKERSON: I think you have it in your
16 handouts of the slides.

17 CHAIRPERSON CLOKE: We didn't get handouts of the
18 slides.

19 We're trying to follow this in our books,
20 and we're rapidly turning pages while you're talking.

21 MR. DICKERSON: Looks like we may need a couple
22 volunteers to pass out the material.

23 CHAIRPERSON CLOKE: If you just go slowly enough,
24 we could just keep going. Just give us a chance to turn
25 our pages.

1 MR. DICKERSON: Okay. Well, would you like me to
2 go over the last page again for you?

3 CHAIRPERSON CLOKE: Yes, please.

4 MR. DICKERSON: All right. I'm going to be
5 referring to the photo. This photo shows the locations
6 of the projected cutoff wall and existing groundwater
7 extraction trench. Locations of new groundwater
8 monitoring wells are displayed as yellow dots.

9 CHAIRPERSON CLOKE: So these are new?

10 MR. DICKERSON: New.

11 Within 30 days of the adoption of the
12 order by the Board, should you adopt it, BFI would be
13 required to submit a detailed construction plan for
14 executive officer approval. The red lines on this slide
15 represent the footprint of the old City Side landfill.

16 The groundwater flow in this area is
17 generally from west to east -- west on the left side,
18 towards the east to the right.

19 It should be pointed out that while the
20 Corrective Action Program is being implemented, the
21 Regional Board has the authority to order additional
22 corrective measures if the existing program is not
23 adequate to protect the ground and surface water
24 resources.

25 Next I'll be talking about a proposed

1 revision of the groundwater monitoring program.

2 With respect to the proposed Monitoring
3 and Reporting Program, the Board directed staff to
4 consider requiring off-site groundwater monitoring wells
5 in the permit at the special Board meeting.

6 Staff has evaluated the monitoring program
7 and recommend the following revision that will increase
8 the range of groundwater monitoring at the site, both
9 laterally and vertically.

10 First, include groundwater monitoring well
11 MW-5 and -- by the way, the next slide will show you
12 where these are located. Include groundwater monitoring
13 well MW-5, which is currently a standby well located at
14 the northeastern border of the landfill into the regular
15 monitoring program; increase the monitoring frequency of
16 two deep groundwater monitoring wells, DW-1 and DW-4,
17 from semi-annual to quarterly monitoring; and
18 implementation of the proposed Corrective Action
19 Program.

20 This will result in the installation of
21 three additional groundwater monitoring wells
22 downgradient to the cutoff wall, as shown on the
23 previous slide, and one additional groundwater
24 monitoring well located at a location to be determined
25 by Board staff in the future.

1 The next slide -- actually the map -- or
2 the photo will be on the one following this. The local
3 geology supports the use of the on-site monitoring as I
4 just described.

5 In a comment letter on the final EIR,
6 1991, Mr. Mel Blevins, who until recently was the
7 Watermaster for the Upper Los Angeles River Area,
8 observed that the local groundwater was confined to the
9 thin layer of alluvium in the canyon and that any
10 contamination from the landfill could be mitigated by
11 the construction of a cutoff wall keyed to bedrock.
12 Staff concurs with this observation.

13 Since, for the proposed landfill, the
14 groundwater flow would be intercepted by such a cutoff
15 wall and any contamination that were to find its way
16 beyond the clay and synthetic membrane liner would be
17 the shallow alluvial flow and intercepted by the cutoff
18 wall, the need for an additional on-site monitoring well
19 is not essential in this case.

20 The main point being that the monitoring
21 wells that are on site and as modified by the staff
22 recommendation would provide adequate warning of any
23 contamination and additional wells, including off-site
24 wells, could, under existing authority, be required by
25 the executive officer should the need arise. And that

1 could be required under provisions of 13267. It could
2 be independent of any pending WDR. It could be
3 something that I could respond to or any executive
4 officer in the future could respond to at any time,
5 should the need arise.

6 And, now, the slide that you have on your
7 monitor, this slide shows the locations of groundwater
8 monitoring wells at the entrance area of the landfill.
9 You can see the road to the right and the freeway in the
10 upper right corner. And the entrance road is down
11 below, I think, right there, right near MW-1, I think.

12 All right. The red lines represent the
13 footprint to the old City Side landfill, while the brown
14 line represents BFI's property boundary. Light blue
15 dots are those wells involved in the upgrading of the
16 monitoring program that was mentioned in the last few
17 slides. The green dots represent existing monitoring
18 wells, and yellow dots are approximate locations of
19 monitoring wells required in the Corrective Action
20 Program.

21 Please note that MW-5, which is the well
22 that we're recommending be increased in its use, is
23 downgradient of MW-1, which is currently monitored
24 quarterly. MW-1 has not shown any contamination from
25 the landfill in the monitoring results. Because MW-5 is

1 on the flow path of groundwater from MW-1 to off-site,
2 it will provide further downgradient monitoring to
3 confirm MW-1.

4 The installation of off-site monitoring
5 wells are necessary when there are indications
6 pollutants from the landfill are moving close to or
7 across the property boundary. And, as I noted earlier,
8 there is the existing authority to require that -- and
9 we would require that -- whenever that condition
10 occurred. So, for example, if anything were to crop up
11 in MW-1, it would be appropriate -- more than
12 appropriate at that time to have an additional off-site
13 well.

14 Next I'll be referring to 1,4-Dioxane.

15 In July, I reported the detection of
16 1,4-Dioxane, a pollutant that had not been detected
17 previously at several groundwater monitoring wells, the
18 old City Side landfill.

19 The Board required the extent of this
20 pollutant to be characterized. In response, staff had
21 revised the tentative permit to include Dioxane as an
22 indicator parameter, and that will be analyzed in all
23 water samples from all monitoring points at the
24 landfill.

25 This is referenced on page T-8, and it is

1 part of your change sheet that you have before you.

2 The nature and extent of Dioxane
3 contamination at the site will be evaluated under the
4 Corrective Action Program. Because the detection of
5 Dioxane is in the same general area where VOCs have been
6 detected previously, the corrective measures included in
7 the Corrective Action Program are also applicable to the
8 remediation of Dioxane contamination. BFI will be
9 required to institute additional remediation measures if
10 the Regional Board determines that such measures are
11 necessary for the remediation of Dioxane.

12 Next, a number of questions were raised
13 regarding the landfill liner, its integrity; and staff
14 have reviewed the liner requirements to ensure that the
15 proposed liner system will be protective of groundwater
16 resources at the site, and staff are recommending
17 improvements to the liner system. These changes are
18 noted in the change sheet as required, D3.

19 This table compares construction standards
20 that are required in state and federal regulations,
21 those proposed by BFI in its application and those
22 required in the revised tentative permit.

23 As can be seen, the proposed standards are
24 higher than what are required in the regulations, and
25 the standards included in the tentative permit are

1 substantially higher than originally proposed.

2 To give you a sense of how protective the
3 clay liner will be, consider that the rate which water
4 will pass through a given thickness of clay is related
5 to the hydraulic conductivity of clay, which is about a
6 tenth of a foot per year. We estimate that any water
7 reaching the clay liner portion -- and remember the
8 water must first pass through the synthetic liner to
9 reach the clay layer -- it would take 10 years for that
10 water to pass through two-foot thick clay layer and 20
11 years to pass through a four-foot clay layer.

12 Also note the synthetic liner itself is
13 impermeable to water, and our recommendations will
14 increase the thickness of the synthetic liner to improve
15 its ability to sustain any stress that might lead to
16 tearing.

17 On the next line you'll see a comparison
18 of the baseline of our system. This slide compares the
19 baseline of our system with what is required in the
20 tentative permit.

21 Please note that what is displayed are the
22 differences between the proposed and what the permit
23 requires standards and are not drawn to scale. As can
24 be seen, the thickness of the base clay liner has been
25 increased from the originally proposed two feet to

1 four feet. That's our proposal. The thickness of the
2 plastic sheet has been increased from the originally
3 proposed 60 mils to 80 mils, and one mil equals
4 one-thousandth of an inch (sic).

5 Next, this slide explains the difference
6 between the proposed slope liner with the slope liner
7 required in the tentative WDRs. As indicated here, the
8 thickness of the plastic liner has been increased or is
9 being proposed to be increased from 60 mils to 80 mils
10 (sic).

11 Staff believe that considering the low
12 permeability of the bedrock at that site, the water
13 system initially proposed in the WDRs was protective of
14 the groundwater resources. The upgrading to the
15 proposed liner system, as proposed and recommended now,
16 will make the landfill containment system even more
17 reliable and is, therefore, a more conservative
18 approach.

19 With respect to the currently operating
20 County extension landfill resulting in the removal of
21 3.8 acres of wetlands, the final closure of the inactive
22 City Side, old City Side Landfill requires the removal
23 of an additional 1.97 acres of land. And this is
24 specifically for construction of the southern basin at
25 the mouth of Sunshine Canyon, and that was previously

1 approved.

2 The current proposed expansion of the
3 proposed landfill before you today will result in
4 removal of 3.41 acres of recurring habitat and wetland.
5 The total area of wetland to be impacted by the
6 landfill, therefore, is 9.18 acres. However, it should
7 be noted this does not include wetlands removed by the
8 closed, old City Landfill before the current wetland
9 regulations went into effect. Based on the FSEIR, there
10 will be no additional wetland impacts associated with
11 any future landfill expansion.

12 In accordance with the Federal Clean Water
13 Act, BFI must obtain a form for a permit. That refers
14 to a section of the Clean Water Act from the U.S. Army
15 Corps of Engineers for removal of any wetlands including
16 streams on any site. As a condition of obtaining a 404
17 permit, BFI must apply for the 401 certification from
18 the Regional Board, demonstrating compliance with the
19 state water quality regulations.

20 The issuance of a 404 permit and 401
21 certificate ensures that no net loss of wetlands will
22 occur. The 401 certification application and proposed
23 expansion is awaiting action and has been delayed
24 pending the outcome of this proceeding.

25 Quite simply, in fact, this is a very

1 important point. If this WDR is not approved, there is
2 no need for 401 certification, and its issuance of the
3 WDR would result in wetlands removal prior to the WDR
4 issuance. So, therefore, staff has held off on its
5 approval.

6 For the final closure of the old City
7 Landfill and new construction of the proposed City
8 landfill expansion, BFI submitted mitigation plans and
9 proposed a wetlands restoration program of up to
10 50 acres in size at the Chastworth Reservoir Nature
11 Preserve. While staff preference is that all mitigation
12 occur within the same watershed as the impact --
13 however, due to the mitigation size requirement and the
14 lack of suitable areas within the local watershed,
15 Regional Board and Board Corps Engineering staff have
16 conferred and agreed that the Chastworth Reservoir site
17 as proposed is the most appropriate area for mitigation.

18 Staff believe that using this site will
19 increase the likelihood of success because larger
20 mitigation sites are usually more successful. A larger
21 buffer from development is provided and the property in
22 this case is owned by the City. It should be noted that
23 the removal of wetlands would trigger a requirement to
24 replace wetland by at minimum a ratio of three-to-one,
25 resulting in a larger wetland after re-establishment

1 than that which existed previously.

2 The old City Landfill has been closed
3 since 1991. The final closure of the old City Landfill
4 is not yet complete because, in some portions of the
5 landfill, the thickness of the vinyl cover is less than
6 six feet, and six feet is required in the final closure
7 requirement and the sediment basin located at the mouth
8 of the canyon that is required in the final closure plan
9 has not yet been constructed.

10 Final closure activities are currently
11 ongoing at the site and are expected to be completed
12 within 180 days. This date is re-affirmed in the
13 proposed permit. To ensure the proper construction of
14 the liner system at the proposed landfill, the tentative
15 permit prohibits the construction of the new landfill
16 liner system on the slopes of the existing landfill
17 until final closure is completed.

18 Another question was raised regarding
19 mitigation of Oak tree losses. The development of any
20 landfill will result in the removal of the existing
21 vegetation. That's just a given. But in particular the
22 loss of any existing Oak trees in the area, obviously,
23 would be impacted by the landfill.

24 The mitigation of Oak tree losses at the
25 site are regulated by Oak Tree removal permits that are

1 issued by the City or County of Los Angeles. The
2 development for the County extension landfill resulted
3 in removal of approximately 3,600 Oak trees while the
4 development of proposed City landfill expansion will
5 result in removal of an additional 510 Oak trees.

6 It is anticipated that BFI would be
7 required to mitigate at a loss of two-to-one ratio.
8 That would mean they would have to provide 1,020 trees
9 in mitigation. According to BFI, it has so far planted
10 over 15,000 Oak trees along the ridgeline of Sunshine
11 Canyon. The previous mitigation efforts have been
12 successful with Oak trees now eight years old with crown
13 spreads 20 feet or more reaching heights of 25 to
14 30 feet.

15 BFI has applied for a tree permit for the
16 proposed City landfill expansion from the City of
17 Los Angeles. It's my understanding, the permit has not
18 yet been issued and a subsequent public hearing will be
19 held by the City of Los Angeles.

20 BFI has proposed to mitigate by planting
21 trees in a 100-acre buffer zone which is located south
22 of the inactive landfill and adjacent to residential
23 areas. Additional mitigation will be accomplished by
24 transplanting trees to City parks, supplying large,
25 nursery-size trees to the City and a commitment to

1 maintain and monitor planted mitigation trees for a
2 period of five years. And this is information that was
3 reported to us by BFI.

4 Fugitive dust emissions and odors.

5 Board staff reviewed the possibility
6 pollutants from the landfill may be carried off the
7 landfill during high wind conditions. That's been
8 commonly referred to as a "wind tunnel factor," and that
9 landfill gas and leachate might cause air problems in
10 the local community.

11 The issue of landfill fugitive dust
12 emissions during high wind conditions has been addressed
13 in the final FSEIR, and that was located on pages 3-22
14 through 3-26 of Appendix A. And the FSEIR concluded
15 that with mitigation measures, significant impacts from
16 fugitive dust emissions would be substantially reduced.

17 With respect to air quality in the area, a
18 BFI consultant has been conducting daily monitoring for
19 particulates and diesel exhaust emissions in the
20 residential community for over one year. The
21 methodology of the study was reviewed by the City of
22 Los Angeles, and data obtained in the study so far has
23 been consistent with monitoring data obtained by
24 A.Q.M.D.

25 With regard to the odor problem, it was

1 reported near the sewerline that carries leachate from
2 the landfill. It is my understanding that the City of
3 Los Angeles Bureau of Sanitation is currently conducting
4 an investigation and that the City will take appropriate
5 actions if it confirms the existence of an odor problem.

6 With respect to seismic stability, the
7 Board asked staff to determine if there is a difference
8 of opinion among the experts in terms of what the
9 seismic risk is at the site.

10 In the past, there has been disagreement
11 among experts on what earthquake standard should be
12 applied to the design of the landfills in California.
13 As a result and to ensure that landfill designs are
14 adequate in this respect, the State Board contracted
15 with the State Department of Water Resources to review
16 the seismic stability of landfill designs. The
17 tentative WDRs require that the seismic stability
18 designs have the -- at the Sunshine Canyon Landfill
19 expansion must be assessed by and pass a critical expert
20 review by the Department of Water Resources. It's my
21 understanding that the designs are currently under
22 review at D.W.R.

23 As a reminder, because of the extensive
24 seismic activities Southern California experienced in
25 the past, the Regional Board has required Sunshine

1 Canyon Landfill, and as in this tentative permit every
2 other operating Class III landfill in our region, to be
3 built using the same and more stringent standard that is
4 required for hazardous waste landfill.

5 Staff has also responded to another
6 question you asked regarding trash reduction program,
7 and that has to do with BFI's participation in and
8 support of a trash reduction programs in the City of
9 Los Angeles.

10 It's our understanding that BFI will
11 provide approximately \$3.3 million per year in franchise
12 fees to the City of Los Angeles, which will be used for
13 programs and activities in the City that will encourage
14 reducing, reusing, recycling resources and products.
15 These funds are in turn are prioritized by the City of
16 Los Angeles as to its specific use in supporting these
17 programs.

18 Because these activities are regulated by
19 the Waste Board and the City of Los Angeles, they are
20 not directly related to the authority under which these
21 WDRs were based. They are not incorporated in the
22 tentative permit.

23 You may want to know, however, that in
24 accordance with the land use condition set forth by the
25 City of Los Angeles, BFI has indicated their intention

1 to establish an area at the landfill that is devoted to
2 recycling activities.

3 The designated area will have a public
4 convenience materials recycling center and a green and
5 wood waste processing facility, not including compost.
6 Activities at these facilities would divert recyclable
7 waste from being discharged to the landfill.

8 You also asked us to review the fact of
9 trash quality reduction, effective trash quality
10 reduction. Staff have reviewed the effect of the stated
11 intention of the City of Los Angeles to cease sending
12 waste to the proposed landfill in 2006.

13 The City of Los Angeles is reviewing
14 disposal options for the up to 3,500 tons per day of
15 waste that are collected by the City's Bureau of
16 Sanitation and which is currently being disposed at the
17 Sunshine Canyon Landfill. However, the remaining waste
18 generated daily by the City of Los Angeles is not
19 handled by the Bureau of Sanitation. Currently, BFI
20 turns away approximately 2,000 tons per day of waste and
21 closes early each day after its permitted daily capacity
22 is reached.

23 Assuming the City of Los Angeles ceases to
24 use the proposed landfill expansion, it is anticipated
25 that operations at the landfill would not be

1 significantly impacted. In other words, there would
2 appear to be sufficient demand for the need for the
3 landfill based upon the trash generation that is
4 currently occurring both in the City and the outlying
5 communities.

6 With respect to the cumulative impacts of
7 the entire project, at the core of the landfill
8 permitting process is the development of an
9 Environmental Impact Report, which is a compilation of
10 the totality of environmental impacts associated with
11 any project and the mitigation measures associated with
12 those impacts.

13 The cumulative environmental impacts from
14 the entire project, 451 acres, incorporating all phases,
15 have been identified and analyzed in the final FSEIR and
16 certified by the City of Los Angeles in 1999.

17 As we know, Sunshine Canyon is bisected by
18 the border between the City and County of Los Angeles.
19 BFI applied for a permit for only Phase 1 City landfill
20 expansion instead of the entire site because such a
21 permit would be both a different kind and would be more
22 administratively complex.

23 When drafting the tentative permit, Board
24 staff is fully aware that BFI would apply for permits
25 for future phases of the landfill expansion and their

1 requirements in the tentative permit is less stringent
2 from what would be in a permit that would cover the
3 entire contemplated project.

4 Now, I'll turn to possible health impacts
5 to the local community.

6 Of all the questions posed by the Board at
7 our meeting in July, none has been more difficult for
8 Regional Board staff to address than that regarding the
9 concerns expressed by Board members over the expressed
10 beliefs by members of the community that their health
11 has been adversely affected by the presence of the
12 existing operational landfill from the long closed City
13 landfill.

14 In our effort to be responsive to your
15 concerns, we have been in communications with several
16 medical experts who are the preeminent experts with the
17 Office of Environmental Health Hazard Assessment, the
18 County of Los Angeles Department of Health, and the
19 U.S.C. Cancer Registry.

20 The Final Supplemental and Environmental
21 Impact Report, certified by the City of Los Angeles in
22 1999, which is preconditioned for this Regional Board to
23 issue a permit for the proposed landfill expansion, has
24 addressed the health concerns in some detail in
25 Sections 4.2.9, 4.9.5, and 6.1.1.

1 Based on the input of two medical experts,
2 namely, Dr. Paul Papanek of the Los Angeles County
3 Department of Health Services and Dr. Thomas Mack (ph)
4 of the University of Southern California, the final
5 FSEIR concluded -- and I'll quote here:

6 "The potential environmental impacts
7 on human health would be considered less
8 than insignificant on the basis of
9 established criteria of public agencies,"
10 unquote, "and further," I'll quote again,
11 "the proposed project will not create a
12 risk to human health if the facility is
13 operated and monitored in accordance with
14 the regulatory requirements of various
15 public health agencies," end quote.

16 Following release of the Final
17 Supplemental and Environmental Impact Report, Dr. Wendy
18 Cozen, of the University of Southern California Cancer
19 Surveillance Program, examined the areas surrounding the
20 landfill as part of the routine surveillance and
21 concluded there's no evidence of excess cancer
22 occurrence localized to residents of the areas
23 surrounding the Sunshine Canyon Landfill.

24 Board staff requested Dr. Cozen to conduct
25 another cancer cluster study for the community

1 surrounding the landfill subsequent to the July Board
2 meeting.

3 Dr. Cozen's September 5th report, again,
4 found no evidence. And, with that, the report is in
5 your binder and also, I believe, Dr. Cozen will be
6 available by telephone later today to respond to
7 questions and offer comments.

8 And I do note that Dr. Stratton and
9 Dr. Paul Simon of OEHHA and the Los Angeles County
10 Department of Public Health will be here to make their
11 presentation and respond to questions as well.

12 MR. NAHAI: Dennis, would you refer us to the
13 page numbers of Dr. Cozen's most recent letter.

14 MR. DICKERSON: It should be -- I don't have
15 that. The most recent materials were submitted to you.

16 MR. NAHAI: I have them. I remember the letter.
17 I just want to find it right now.

18 MR. LAUFFER: It's at 12-0.1-18.

19 MR. NAHAI: Thank you.

20 MR. DICKERSON: For the landfill or for any other
21 substance to cause adverse health impacts, there must be
22 pathways to carry pollutants from the site to the human
23 population. In the case of the proposed landfill
24 expansion, potential pathways may include ground and
25 surface water and airborne emissions.

1 Under the requirements of the tentative
2 permit, no landfill leachate or contaminated surface or
3 groundwater should come in contact with local residents.
4 However, there remains some level of uncertainty
5 regarding whether the old City landfill or the existing
6 County landfill have had any community impacts.

7 The Regional Board may consider permitting
8 to require BFI to investigate the possibilities that
9 health impacts may occur as a result of the operation of
10 the old landfill that's closed or the currently
11 operating County landfill.

12 However, the parameters of a health study
13 are beyond the ability of Regional Board staff to easily
14 determine. Our conversations with health experts have
15 made it clear that there are several kinds of health
16 studies that could be conducted -- each with various
17 study limitations, cost and time factors to consider.
18 Additionally, completion of a study with positive
19 results would not in and of itself determine causation.
20 There are many factors that may account for the results
21 of any given study. The determination of causation
22 would require additional studies.

23 I've asked Dr. Stratton of OEHHA to
24 introduce you to this topic during his later remarks.

25 All right. Options.

1 The Board, again, has the following
2 options regarding this item: Adopting the tentative
3 WDRs as proposed; adopt the tentative WDRs with changes;
4 not adopting the tentative WDRs; or continuing the item
5 until a later public hearing.

6 Board staff believe that the tentative
7 WDRs and with the change sheets as noted will protect
8 water resources at the site. And I recommend that the
9 Regional Board adopt the WDRs, tentative WDRs as
10 appropriate, incorporating the change sheets and any
11 other provisions the Board may determine are required as
12 an outgrowth of it's deliberations today including any
13 provisions specifying the nature of any health study
14 deemed to be appropriate and necessary.

15 Now, at this point, I would like to ask
16 Rod Nelson and staff to come up and very briefly walk
17 you through the change sheets that you have. And he'll
18 be followed by Dr. Stratton and Dr. Simon, if that's
19 consistent with Chair direction.

20 I should say in addition to the change
21 sheets you have, there's one additional which is just a
22 deletion and that's being handed out now.

23 MR. NELSON: Good morning, I'm Rod Nelson, chief
24 of the landfills unit.

25 You should just now be receiving from

1 Dr. Weng, who is the staff responsible for writing the
2 tentative WDRs, a third change sheet that staff has
3 issued in response to several public hearings and
4 responses, questions, we received from both public and
5 board members.

6 The first change sheet was actually
7 incorporated into the tentative Waste Discharge
8 Requirements that the Regional Board considered at the
9 July 24th meeting. These were primarily editorial.
10 There were clarifying errors that that we made in
11 statements of fact.

12 The second most significant change sheet
13 was sent to you by transmittal on September 5th, and
14 that can be found in pages 12-0.1-8 through 12-0.1-13.
15 These contain the changes that require the expanded
16 liner system and the Corrective Action Program.

17 The third change sheet which you just
18 received this morning just reflects changes to the
19 monitoring and reporting program as it was originally
20 submitted in July. At that time we had not received a
21 proposal for the Corrective Action Program from the
22 discharger. All we did was just change the wording in
23 the monitoring and reporting program to reflect the fact
24 that that is no longer anticipated but, in fact, we have
25 received it.

1 I'll be glad to answer any questions you
2 may have.

3 CHAIRPERSON CLOKE: We'll hold our questions
4 until we drowned ourselves in information.

5 MR. NELSON: If you can figure out the numbering
6 system that I just read to you, you're beyond me.

7 CHAIRPERSON CLOKE: Mr. Dickerson, is there more
8 from staff at this point?

9 MR. DICKERSON: That concludes the staff
10 presentation, Madam Chair.

11 CHAIRPERSON CLOKE: Is Dr. Stratton here?

12 Dr. Stratton, before you get up, I just
13 want to make sure our schedule is sufficient that --

14 DR. STRATTON: All day.

15 CHAIRPERSON CLOKE: Please. Go ahead.

16 DR. STRATTON: Good morning. Madam Chair and
17 Board members. My name is James Stratton,
18 S-t-r-a-t-t-o-n. I'm a medical epidemiologist for the
19 Office of Environmental Health Hazard Assessment, which
20 is part of the California Environmental Protection
21 Agency.

22 I'm here today at the request of the
23 Regional Board staff, but before I begin my
24 presentation, I just want to add a personal note beyond
25 simply my professional qualifications.

1 About five years ago, my older sister's
2 son Allen (ph) developed a rare form of cancer at age
3 32. And despite having four different physicians in his
4 extended family and fighting it as hard as we could over
5 a several year period, he unfortunately had metastatic
6 disease and died at age 35, leaving behind a widow and
7 three lovely children, who are now my grandnieces and
8 nephews.

9 It was a tragedy for our family. When I
10 heard that his disease had spread to his lungs, bones,
11 and ultimately to his brain, I sat down and cried with
12 my wife. And that kind of pain never goes away, and I
13 can't go through a day of working for the people of
14 California without thinking about those tragedies that
15 happen around the world in different countries and
16 different places.

17 So whenever I approach these things, I
18 want to make very sure that environmental causes are not
19 at the root of this issue, and when I issue an opinion,
20 it's based on my best professional judgment bearing in
21 mind the deeply felt feelings of the community.

22 That said, let me tell you a little bit
23 more about my background than I did last year.

24 I started in public health with the
25 National Centers for Disease Control. I worked first in

1 infectious diseases but also environmental health with
2 the New York City Health Department. Then I did a
3 preventive medicine residency with the Centers for
4 Disease Control in Atlanta, working for the chronic
5 disease epidemiology folks.

6 During that time, I did cancer follow-up
7 studies involving soldiers exposed to atomic weapons
8 testing in the 1950s. I worked on toxic metal exposures
9 from smelters and mines in various states throughout the
10 western United States. I was involved in Leukemia
11 studies in children. And after doing that experience, I
12 worked in the Office of the Surgeon General on Health
13 Promotion, disease prevention issues for several years
14 and helped write the first report on Health
15 Promotion/Disease Prevention.

16 Then I came out to California to get a
17 Master's in Public Health from U.C. Berkeley. The
18 public health service then assigned me to work with the
19 State Health Department for several years, and I grew to
20 love my adopted state and ultimately left the public
21 health service to remain with the State Health
22 Department in 1986.

23 During that time, I've been involved in a
24 variety of different fairly high profile environmental
25 exposures including the aerial spraying of malathion in

1 Northern California in the early 1980s and in Southern
2 California in the early 1990s. I've been involved in a
3 number of different hazardous waste site studies
4 including the operating industry site, the BKK site, the
5 Stringfellow Acid Pits, a Petro-chemical deposit in
6 Fullerton in orange County and a variety of other sites.

7 I've supervised assignees from the Centers
8 for Disease Control, working for the State Health
9 Department, and I have in my time with the Office of
10 Environmental Health Hazard Assessment performed a
11 number of different risk assessments involving potential
12 exposures to toxic chemicals.

13 I, even for nearly a four-year period,
14 served as a State Health Officer for the State of
15 California supervising all of the public health programs
16 for the state including the drinking water program,
17 food/drug radiation safety, infectious diseases, office
18 of AIDS, the Division of Occupational and Environmental
19 Disease Control, and other programs within the
20 department.

21 So I've had a more than 20-year background
22 and training in being able to evaluate these difficult
23 issues.

24 With that said, as part of my involvement
25 here with this particular site, I first of all

1 identified what I thought were the relevant additional
2 public health experts to get involved. That's how I
3 approached the Los Angeles County Department of Health
4 Services and why you will be hearing from Dr. Paul Simon
5 today. I also approached Dr. Cozen of the U.S.C. Cancer
6 Registry. I've also consulted with my counterparts in
7 the State Department of Health Services who have the
8 current responsibility for evaluating environmental
9 community exposures when local health departments are
10 not able to adequately evaluate them with their own
11 resources.

12 Before going into the kind of information
13 that I have evaluated about this site to come to my
14 current opinion, let me explain a little bit about
15 health studies and how they are done and what people
16 look for when they are doing an environmental study.

17 Most such studies start with a concept
18 that there is something that people are possibly exposed
19 to. So the information we start looking for are
20 potential pathways of exposure and, at a basic level,
21 those are things, like, that might be in the water or in
22 the air or in the food or in the soil, or even in the
23 houses that people are living in.

24 We have unfortunately in California,
25 because of our rampant development, often sort of

1 recycled industrial properties and then built houses or
2 schools on top of them. And then we're left trying to
3 figure out, well, what stuff is in the ground and did
4 the fact that I grew vegetables in my garden -- is that
5 a hazard for me and my kids and a variety of other
6 issues.

7 So far as I know about this particular
8 community, it was never an issue of industrial or
9 hazardous waste or even municipal waste disposal in the
10 neighborhood itself. We're really simply talking about
11 whether there are things that happened at the municipal
12 landfill that could have gotten into the neighborhood.

13 With respect to water, your Board staff
14 have assured me there has been no detectable evidence of
15 contamination off-site in either groundwater or surface
16 water. My colleagues in the State Department of Health
17 Services that oversee the drinking water programs within
18 the state of California have checked with their
19 colleagues locally, and they are not aware of any
20 instances of contamination with respect to the Van
21 Norman Reservoir which is a large reservoir there as you
22 know.

23 The State Health Department does have a
24 policy that drinking water reservoirs should be covered.
25 But in the case of the Van Norman Reservoir, it's very,

1 very large and developing a cover is somewhat
2 impracticable. But it's my understanding they are
3 involved in conversations about what, if anything, might
4 be done down the road not specifically because of the
5 landfill issues but just generally across the state.
6 It's better to have such reservoirs covered.

7 So at least from what I've been able to
8 discern, there is no potential pathway either in the
9 past or currently via water that would suggest a way for
10 members of this community to be exposed.

11 With respect to soil, so far as I've been
12 able to determine, there is no issues with respect to
13 waste disposal or other kinds of disposal in the
14 neighborhood itself, and that leaves, at this point,
15 questions about air.

16 Now, one of the things that my department
17 does in its many duties is we've been asked to evaluate
18 school safety. So before a school can be sited, a
19 look-see has to be done now to see whether or not there
20 was industrial property or other things there. And if
21 there's any potential issue, then a risk assessment has
22 to be done on whether a school can be sited there.

23 There's currently a bill before the
24 Legislature now that would require an analysis before a
25 school could be sited near a freeway. The concern there

1 being air pollution from the freeway. Such things as
2 diesel particulates and ozone and other kinds of things.

3 As part of our work evaluating what it
4 would take to evaluate such things, we've analyzed the
5 literature about just how far away freeway pollution is
6 likely to drift into a community. And as it turns out,
7 the pollution from a freeway tends to decrease with
8 distance. The further away you get from the freeway has
9 an exponential function or near exponential function.
10 So that, generally, by the time you are as far away as
11 150 meters, the levels of pollution attributable to the
12 freeway have diminished considerably, and by the time
13 you're around 300 meters, which is, you know, call it a
14 thousand feet, the levels are approaching background for
15 the air basin in which the measurements are made.

16 So, for example, in this particular
17 community, the elementary school is at least 4,000 feet
18 and maybe further away than that. In general, the air
19 quality that would be reflected at the school would be
20 more typical of what's in the air basin air. So if the
21 air is blowing from the south out of Los Angeles basin,
22 the air in the school will tend to look like L.A. basin
23 air. If it's blowing from the north, it would tend to
24 be more reflective of the cleaner air to be found north
25 of the City. And if it's blowing from the east, it

1 would reflect whatever is out in that direction plus the
2 impact of the freeway.

3 Now, there's some caveats with respect to
4 that 300-meter figure, and that certain meteorological
5 conditions can lead to air settling and not dispersing
6 the way it normally does. Terrain features can affect
7 it such as if something is in a, you know, narrow
8 confined area, then pollution may not be drifting away
9 as much as it would if it were in a more open area and
10 other things.

11 But, in general, when you are sort of
12 thinking about how pollution moves, you should also be
13 thinking and looking at that landfill, about those kinds
14 of distances, and the likelihood that air would be
15 moving in a concentrated fashion or in a decreased
16 concentration fashion as you get further away from
17 things.

18 Okay. So with respect to looking at air,
19 I asked your staff to get me in touch with the South
20 Coast Air Quality Management District Inspector, who's
21 been following this site for some 13 years. His name is
22 Larry Israel. And I talked with him about what his
23 experience had been and whether there had ever been any
24 evidence of off-site toxic air contaminants. He said no
25 there had not been, but he did describe to me an episode

1 in the year 2000 in which there was some documented
2 on-site evidence of landfill gas coming out of the
3 ground in areas that exceeded what the South Coast
4 A.Q.M.D. requirements are. As a result of that
5 discovery, the operator had to upgrade the gas
6 collection system in that area, and it's my
7 understanding, since that time, there have been no
8 documented escapes of landfill gas coming out of the
9 land.

10 Now, the gas that is collected goes into
11 an incinerator, and that is under the permit authority
12 of the South Coast A.Q.M.D. They have requirements for
13 how it's supposed to operate; they have requirements for
14 how clean the exhaust can be. And the data that I was
15 sent back indicates that virtually all of the gas that
16 goes into that incinerator is incinerated and is
17 destroyed. And, you know, at this point, it's the
18 A.Q.M.D.s opinion that the incinerator does not
19 represent any hazard to the communities off-site.

20 So at the present time, I have not,
21 despite now more than two months of looking, been able
22 to find any evidence of a direct off-site exposure to
23 the community among any of these various pathways.

24 Now, in looking at this issue, I consulted
25 either directly or by way of looking up their procedures

1 on their websites, a number of different organizations.
2 The National Center for Environmental Health, which is
3 part of the Centers for Disease Control; the Agency for
4 Toxic Substances and Disease Registry, which is also
5 part of the Centers for Disease Control. I looked at
6 the National Institutes of Health and consulted with the
7 State Department of Health Services here in California
8 to see their approach. And although there are
9 differences in their approach, they all do focus in on
10 this issue of pathways of exposures and potential
11 pathway of exposures.

12 And the A.T.S.D.R., again the Agency for
13 Toxic Substances and Disease Registry, went so far as to
14 publish their protocol in the Federal Register and their
15 decision. And their decision methods say that, if there
16 is not an established pathway of exposure to a hazardous
17 substance, then, in general, they do not proceed with a
18 health assessment of the site because to do so would
19 basically not be a scientifically productive thing to
20 do.

21 Now, with that said, I understand that you
22 are still interested in what potential options there are
23 for the kinds of studies. So let me just take a minute
24 and walk you through what kinds of health studies there
25 are and how they are done and the feeling for the amount

1 of effort, the time frame, and the resources it would
2 take to do something like that.

3 First, is the kinds of studies you can do
4 with the existing data, often data that was collected
5 for another reason. For example, in California we have
6 birth certificates and death certificates, and on those
7 so-called vital statistic records, there is important
8 information reported. For children, it's the age of
9 gestation, the birth weight, and whether or not there
10 are any anomalies noted at the time of birth.

11 The same with death certificates; the
12 cause of death and the age of death are included. And
13 those kinds of statistics are regularly and routinely
14 examined at looked at for trends over time and space,
15 clusters of space and time in terms of suggestions about
16 that. And Dr. Simon will, for example, be talking about
17 the analysis that his department has done looking at low
18 birth weight data in the area around the landfill.

19 There are other kinds of existing data
20 sets. And in California we have an Office of Statewide
21 Health Planning and Development that regulates the
22 construction of hospitals, but they also collect
23 hospital discharge data as a way of measuring current
24 potential needs for hospital capacity in the state.
25 That hospital discharge data set includes the name,

1 address, date of birth, and all of the different medical
2 conditions that were diagnosed during that time of a
3 hospitalization, everything from cancer to asthma to
4 chronic obstructive pulmonary disease and other kinds of
5 things.

6 So subject to the approval of research
7 protocols and commitments for the confidentiality of
8 medical records, researchers can analyze hospital
9 discharge data looking for trends over time and clusters
10 and whether or not there seems to be excess numbers of
11 diagnoses in different parts of the state.

12 We also have other kinds of data sets that
13 are formally collected such as employee health data;
14 schools -- they have a school nurse and they may have
15 records that indicate conditions and other things in the
16 school children; there is in California a system of
17 medical insurance for employees. If they have a
18 condition that they think may have developed on the job,
19 they can go see a doctor, any doctor, even if they don't
20 have any other health insurance. They can have that
21 visit and any diagnoses and treatment necessary paid for
22 by the State Occupational Health Insurance.

23 This turns out to be a very good system
24 for collecting data for analysis because whether or not
25 the doctor gets paid depends on whether or not they file

1 the doctor's first report for insurance claim. They
2 tend to file that report at a very high completion rate.
3 And on that report it has to give the name and address
4 and information about the employee as well as any
5 diagnoses that have been done. So that's another
6 existing data set that can be looked at.

7 We also have a number of reportable
8 diseases in California. Things that you know about such
9 as infectious diseases, Measles and Anthrax and Small
10 Pox are all reportable diseases. Something that you may
11 not be aware of, though, is that cancer is a reportable
12 disease in California. And so all of the doctors and
13 hospitals that are involved in the diagnoses or
14 treatment of a case of cancer anywhere in California,
15 they are required to report that to the local Cancer
16 Registry.

17 Now, depending on the disease, for
18 instance, sexually transmitted diseases are required to
19 be reported but, you know, a lot of people go see their
20 family doctor, get treated, and the reports never come
21 in to the local health department. But because of that,
22 on certain conditions where there is a real need to know
23 and in California, for example, we have active
24 surveillance programs for both birth defects and for
25 cancer.

1 So we don't just rely on the medical
2 system to report to government. We actually have
3 employees who go out and assist doctor's offices, visit
4 pathology labs, visit hospitals, and review the records.
5 So we don't rely on what's called active disease
6 surveillance for registries. And we have that for, as I
7 said, birth defects and for cancer.

8 Los Angeles is particularly lucky because
9 prior to the creation of the statewide Cancer Registry,
10 which was created in 1982 but not fully funded until
11 1988, the medical centers in the Los Angeles basin
12 applied for research grants from the National Cancer
13 Institute, which is part of the National Institutes for
14 Health, and they were funded as a Center of Excellence
15 for cancer epidemiology and cancer surveillance. And so
16 the National Cancer Institute paid for a complete
17 ascertainment of cancer cases in the L.A. basin ever
18 since 1972.

19 As is so often the case, the federal
20 government does not give out money without attaching
21 strings to it. And part of the strings that the
22 National Cancer Association attached to the registry is
23 the necessity for independent audits. I don't care how
24 good a job they're doing; so we don't even rely on the
25 people who are doing the active surveillance. We send

1 in additional teams to go in and see whether or not
2 they've missed any cases or not.

3 Now, some people don't know that cancer is
4 a reportable disease and don't know that there are these
5 teams that review the records. And so if they haven't
6 been contacted by anyone, they may assume their case
7 hasn't come to the attention of the registry, but that's
8 not the way it works. In fact, as I indicated earlier,
9 cancer is a traumatic event in any family and, in
10 general, having people then knocking on your door and
11 asking you questions at that particular time is not
12 people's favorite thing to do. So that's why most
13 people who are in the registry haven't ever been
14 directly contacted.

15 Now, because the registry is used for
16 research purposes, if a specific study of, say, a
17 particular cancer type is done, then at that point,
18 people may be contacted and asked if they would like to
19 participate. And a specific study would be done that
20 would involve their answering a questionnaire or maybe
21 even having some good samples taken or something like
22 that. Okay. That's talking about existing data that's
23 being done.

24 There's another category of studies that
25 have also collection of new data. Those tend to start

1 getting into spending new and additional resources,
2 taking extra time and energy to complete. At a simple
3 level, it might be a community survey or a written
4 questionnaire that's mailed to people in the
5 neighborhood, asking for their responses to stuff. You
6 can also get similar information by going door to door,
7 but you tend to get higher rates of participation than
8 you get with mailing something and with an interviewer
9 who can prompt people and skip parts of the
10 questionnaire that are not relevant. So it can actually
11 take less time for the respondent to complete the
12 questionnaire.

13 Beyond simply asking questions, there are
14 studies that actuality provide some kind of medical
15 examination. For instance, if you are doing a study of
16 asthma, you might want to have someone breathe into a
17 flow meter and measure the degree of lung function at
18 that time. It may involve collecting blood samples or
19 urine samples, looking for any evidence of toxic
20 contamination or exposure that might be at issue. By
21 the time you start examining people and collecting blood
22 samples or other things like that, that increases the
23 complexity, the cost, the time to do those kinds of
24 things like that.

25 Another way is if you are doing a

1 follow-up study. Many times workers are studied when
2 looking at the question of whether or not there's a
3 human health effect from a toxic chemical exposure.
4 Primarily, because workers are often exposed to far
5 higher levels than whatever exists in a community.
6 They're a defined population -- the employer knows who
7 they are; they have their name, their Social Security
8 number. Even if they leave the company, they can be
9 tracked down through employee records through their
10 Social Security number through the Federal Occupational
11 Safety and Health Administration. If they retire, they
12 can be tracked down through the company retirement
13 system or through Social Security.

14 And so those kinds of studies which
15 involve active follow-up are difficult but doable. But
16 to do the same kind of follow-up on a community so you
17 find everyone who everyone who ever lived near a
18 particular hazardous waste site gets to be very
19 difficult because you may not have the kinds of
20 identifying data you would need to find them in the
21 future.

22 It's easier to find people who have had a
23 health problem because they're more likely to have
24 gotten into the system and have left a paper trail, if
25 you will, to find. And the problem with finding some

1 people but not everyone is that you end up counting
2 cases, but you don't know what the universe of people
3 were; so you don't really know how to analyze whether
4 there is or there is not a greater than expected
5 occurrence of a disease in that population. So that's
6 some of the challenges that we, as epidemiologists,
7 face.

8 So I think one other thing I want to point
9 out -- and I don't know whether it's on the agenda.
10 Someone will remind me if it is -- is that air
11 monitoring studies have been conducted at the landfill
12 and at the elementary school in the last few years.

13 Dennis, will someone else be presenting
14 that?

15 MR. DICKERSON: It's my understanding that BFI is
16 going to be talking about that.

17 DR. STRATTON: Okay. Well, then I won't, in any
18 way, go into detail. But let's say it's my
19 understanding that the City is required as a condition
20 of their thing that some baseline levels of air
21 pollution and the sources of those pollutions be
22 established in this community because they're concerned
23 about potential impacts of on-site operations and the
24 truck traffic and the degree to which truck traffic and
25 site operations may add to the air pollution that

1 already exists here in the Los Angeles air basin
2 including the impacts of the local freeway, and all of
3 that. And I'll let their consultants talk about their
4 data since they are the ones who collected it.

5 But I did want to note of particular
6 interest to me is whether or not there was any evidence
7 of landfill gas which does have the potential of having
8 some of these volatile organic compounds that are part
9 and parcel of our industrialized civilization -- things
10 like paint thinner, other solvents, and breakdown of
11 plastics and other things that can get into the landfill
12 gas. The overwhelming majority of what constitutes
13 landfill gas is methane; and that, in the analyses that
14 I saw, there is evidence in the low parts per-million or
15 in the parts per-billion of a variety of solvents that
16 are typically found in these areas. And as I indicated
17 earlier, that incinerator is incinerating that stuff off
18 now.

19 But this analysis specifically looked at
20 on the landfill and at the elementary school for some
21 so-called marker gases that would be indicative of
22 landfill gas. And they picked vinyl chloride and
23 dichlorobenzene and those two compounds.

24 And they monitored for a total of four
25 months this spring, or actually from spring through

1 July. And they did not find any indication of either of
2 those two marker gases either on the landfill site
3 itself or at the school, which is reassuring to me that
4 there does not appear to be an air pathway of exposure
5 at the present time from this operation. And it creates
6 a very solid baseline for future monitoring to make
7 sure that there are no issues with respect to landfill
8 gas getting off-site.

9 So with that, I will either take questions
10 now, or maybe you would prefer to have Dr. Simon speak
11 to you then take the questions together, or whatever is
12 your pleasure.

13 CHAIRPERSON CLOKE: Thank you very much,
14 Dr. Stratton. We're going to reserve all of our
15 questions until we've heard all the testimony. The only
16 time we do the questions in between is if we, you know,
17 we're looking for a page number or a number or something
18 like that.

19 DR. STRATTON: I am here with you for the
20 duration.

21 CHAIRPERSON CLOKE: We really appreciate that.

22 DR. STRATTON: Thank you.

23 CHAIRPERSON CLOKE: We appreciate the work you've
24 done.

25 Dr. Simon, are you here? Could you tell

1 me how long your presentation might go?

2 DR. SIMON: I think I can speak in about ten
3 minutes over the points I want to make.

4 CHAIRPERSON CLOKE: Just a moment, please. We'll
5 confer up here.

6 So that's what we'll do. We'll ask
7 Dr. Simon to come up and speak now for approximately ten
8 minutes. At the end of Dr. Simon's presentation, the
9 Board will go into closed session on our quorum.
10 Counsel will announce the items to be covered in closed
11 session, and then we'll be back here to continue with
12 taking testimony from the representatives from the
13 elected officials.

14 Welcome Dr. Simon.

15 DR. SIMON: Thank you.

16 My name, again, is Paul Simon. I am, as
17 Dr. Stratton, a medical epidemiologist and also a
18 pediatrician. I work for the Los Angeles County
19 Department of Health Services and direct an office
20 called Health Assessment and Epidemiology.

21 One of the programs of that office is the
22 Toxic Epidemiology Program. Dr. Rangan is the director
23 of that program, and I believe he reported last month to
24 you and he reports to me at our department. I also have
25 a faculty appointment in the U.C.L.A. School of Health

1 in the Department of Epidemiology. And in the past I
2 also worked as a medical epidemiologist with the Centers
3 for Disease Control and have been in Los Angeles for
4 about the last eight years working in public health.

5 I was not at the meeting last month, but I
6 did read the transcript. I've talked extensively with
7 Dr. Stratton I was briefed by Dr. Rangan. I've had a
8 number of conversations with Dr. Cozen. I actually made
9 a visit to the landfill this week just to sort of get a
10 lay of the land and understand the operation a little
11 bit better and in addition did travel through the
12 neighboring community.

13 I reviewed the report from Dr. Cozen
14 regarding cancer incidence in the census tract
15 surrounding the landfill. I have also reviewed a fair
16 amount of data that Dr. Stratton referred to in the
17 meetings that he and I have had over the past week.

18 But before I talk about the science, let
19 me just say in the health department we work very
20 closely with the community. We couldn't accomplish any
21 of the public health goals that we all endeavor to
22 accomplish if we didn't work closely with the community,
23 and so we work with them on a number of different public
24 health initiatives.

25 The area of environmental health and the

1 situations where there is broad community concern about
2 illness that may be attributed to some sort of
3 environmental exposure presents the most challenging
4 sort of situation; but nonetheless, it's not the sort of
5 situation that we can deny exists and we have to do our
6 best to try to address the community concerns.

7 In addition, as I read the transcript from
8 last month, the intensity of grief and tragedy that was
9 described was palpable. So as I talk about the
10 epidemiology and the statistics, I in no way want to
11 diminish the importance of the community's feelings and,
12 in addition, I in no way want to minimize the importance
13 of the challenge that society faces in trying to address
14 solid waste disposal and, most certainly, the air
15 quality problems we face in Los Angeles.

16 But the question, I guess, that is before
17 me is twofold. No. 1: You know what my opinion is
18 regarding whether there may be illness in the
19 neighborhoods adjacent to the landfill that could be
20 caused by something caused from the landfill and, No. 2,
21 what steps need to be taken to address the potential
22 problem.

23 I agree with Dr. Stratton that, in
24 reviewing the data so far, I haven't seen anything that
25 indicates to me that there is excess illness in these

1 neighboring community that reflects something coming
2 from the landfill. But let me also say that it is clear
3 that there is a real disconnect between what the science
4 is saying and what the community is saying. And there's
5 no question we need to investigate their concerns. And
6 in addition to that, being my opinion, that opinion has
7 the support of our Board.

8 Our Board of Supervisors passed a motion,
9 I believe, just two days ago requesting that our
10 department be represented at this meeting today, and
11 that we report back to the Board within 30 days with our
12 opinion regarding the situation and recommendations
13 about what needs to be done, making it clear that we
14 need to do our best possible job to address the
15 community concerns regarding health issues, and I can
16 leave a copy of that Board motion with you.

17 CHAIRPERSON CLOKE: Would you, please.

18 DR. SIMON: Yeah, we'll do.

19 Now, over the past week, I have, as I
20 mentioned, looked closely at the cancer data; I talked
21 with Dr. Cozen. I don't see anything that jumps out at
22 me as sort of a signal that suggests widespread excess
23 cancer. But as I mentioned to Dr. Cozen, I think
24 several additional census tracks need to be examined.
25 In addition, I would like a little bit more information

1 about the mix of different cancers that were identified
2 in the census tracks neighboring the landfill.

3 She assured me she can provide that
4 information in the next week. In addition, I was very
5 interested in obtaining some data on birth defects in
6 the community adjacent to the landfill, and Dr. Stratton
7 has already put in a call to the state birth defects
8 registry. And we hope to get data within the next week.
9 I asked my staff to look, using the birth certificate
10 data that Dr. Stratton mentioned, which is, by the way,
11 very complete information because a birth certificate is
12 a legal document that is required to be reported. I
13 asked my staff to look at the rate of low birth weight
14 births in the census tracks adjacent to the landfill and
15 we found that the rate of low birth weight is exactly
16 the same within this area as the rest of the County, and
17 I'll leave the table containing those statistics with
18 you as well.

19 I told my staff that we need to put
20 together a process, a structured process to both obtain
21 information from the community and then also to initiate
22 sort of bi-directional communications with the
23 community. One possibility is that there is a community
24 advisory committee for the landfill at least on the
25 County Side, and I believe on the City Side perhaps a

1 separate committee.

2 I'm not sure if that committee has been as
3 active recently, but I'm certainly open to suggestions
4 from the community and any others involved as to who
5 would be the appropriate community representatives to
6 have at the table. Initially, I think I would like it
7 to be a relatively small meeting where we can talk
8 generally about community concerns and what the best
9 strategy might be to obtain broader input from the
10 community to get the information we need. And then we
11 make some decisions about what steps need to be done in
12 terms of further investigation. Dr. Stratton sort of
13 described the various alternatives, some of which, as he
14 mentioned, get very very expensive and also would
15 require quite a bit of time.

16 Let me digress for one point.

17 I don't want to run too much over my time,
18 but the Cancer Registry data is very, very high quality
19 data for the reasons Dr. Stratton sited. It's a very
20 well funded enterprise, and I've worked with the
21 registry staff and the faculty at U.S.C. on a number of
22 occasions investigating community concerns about the
23 cancer. I have great respect for the faculty there.
24 They have actually three or four world renown cancer
25 epidemiologists. So I have a lot of confidence in the

1 data from the Cancer Registry.

2 It's not perfect data. For example,
3 someone who has lived in the community for a number of
4 years and then moves away and is diagnosed with cancer
5 would not be reported as having cancer in that
6 community. And likewise someone who has lived somewhere
7 else their entire life and moved into the community and
8 a month later is diagnosed with cancer, that cancer
9 would be attributed to that community whereas the
10 exposures that likely influenced the cancer would have
11 occurred wherever the person lived previously. And even
12 with that in-migration out-migration, the best available
13 evidence is that the data is quite good, and it's
14 adequate to detect large excesses in cancer in any given
15 community. And a lot of published studies that have
16 been done relate to health concerns around landfills
17 have used Cancer Registry data.

18 But I think, depending upon what types of
19 input we get from the community, we could structure some
20 sort of survey to, No. 1, see if there are cancer
21 diagnoses within that community that for some reason
22 were missed by the Cancer Registry. That's not been my
23 experience in the past, but I think we owe it to the
24 community to confirm all the cancer diagnoses that they
25 are concerned about are indeed in the Cancer Registry

1 database and reflected in the analysis.

2 There's also been some concern registered
3 related to respiratory symptoms. As a pediatrician and
4 epidemiologist, I'm very interested in childhood asthma.
5 We've done a number of studies across the county on
6 childhood asthma. We estimate that somewhere between
7 seven to fifteen percent of the kids in the county do
8 have asthma. We could do some sort of survey to get a
9 sense of what the prevalence of asthma is among children
10 within this community.

11 I just want to caution though if we do
12 find an elevated rate, for example, say
13 twenty-five percent of the children have asthma, it's
14 still very difficult to determine causation. It doesn't
15 prove that it's the landfill, for example, that caused
16 it. There are a number of other very important factors
17 that influence cancer: Ambient air pollution, exposure
18 to tobacco smoke in the home, history of having been
19 breastfed. Breastfeeding is protective against asthma.
20 The list goes on.

21 So I think we can do some investigation to
22 determine whether there truly is excess illness in the
23 community, but I don't want to over-promise our ability
24 to determine definitively, you know, the causation
25 issue.

1 So, again, in closing let me just
2 emphasize we want to work with you your staff and most
3 importantly with the community. I'm committed to
4 working with Dr. Stratton and the Cancer Registry to see
5 if we can get some answers to the questions.

6 Thank you.

7 CHAIRPERSON CLOKE: Thank you very much,
8 Dr. Simon. I can't thank you enough on behalf of all
9 the people that we heard testify as to the fact that
10 they felt they had not been carefully and respectfully
11 listened to, and I think your testimony and
12 Dr. Stratton's testimony showed that you have been
13 carefully respecting and respectfully listening to their
14 concerns. And we appreciate that.

15 Okay. Mr. Lauffer.

16 MR. LAUFFER: At this time the Board is
17 suspending their consideration of the item No. 12
18 concerning Sunshine Canyon Landfill, and we'll be
19 meeting in closed session as authorized by the
20 government code to discuss items on the agenda.

21 Items No. 13(a) City of Los Angeles and
22 the City of Burbank versus Los Angeles Regional Water
23 Quality Control Board; 13(b) the TMDL Lawsuit against
24 Los Angeles Regional Water Quality Control Board; Cities
25 of Arcadia, et al., City of Los Angeles, County of

1 Los Angeles; 13(d) the City of Thousand Oaks versus
2 Los Angeles Regional Water Quality Control Board; items
3 13(f) Litigation Filed in Superior Court concerning
4 Municipal Storm Water Permit for Los Angeles County; and
5 finally, an item only recently before the Board, only
6 recently noticed by the Board -- in fact, the petition
7 has been filed effective Tuesday of this week in regards
8 to work in the City of Santa Paula. That is a petition
9 of the State Water Resources Control Board.

10 CHAIRPERSON CLOKE: Dr. Simon?

11 DR. SIMON: Yes.

12 CHAIRPERSON CLOKE: Did you have that Board of
13 Supervisors' resolution with you?

14 DR. SIMON: I do.

15 CHAIRPERSON CLOKE: And you're going to give it
16 to our staff so they can copy it?

17 DR. SIMON: I will.

18 CHAIRPERSON CLOKE: And also some extra copies
19 could be made when you get it and put it out on the
20 table so members of the public could also read that
21 document.

22 We're now, moving into closed session. We
23 will be back in session and continuing our discussion of
24 the Sunshine Canyon Landfill at two o'clock.

25 ///

1 (The Board went into closed session.)

2 (The lunch recess was taken.)

3 (At 2:12 p.m. the following proceedings
4 occurred:)

5 CHAIRPERSON CLOKE: Okay. We're back in session.

6 I'm having a little trouble reading this
7 name. Is it Mr. Washburn representing Assemblyman Keith
8 Richman?

9 MR. WASHBURN: Thank you, Madam Chair and members
10 of the Water Resource Board.

11 I guess I'm a one-minute guy because I
12 testified here before. So I just wanted to say in brief
13 that I was glad that the medical doctors spoke today
14 because I represent Assemblyman Keith Richman, and he is
15 the only medical doctor in the California Legislature
16 and our district includes the BFI -- the Sunshine Canyon
17 Landfill, and it's right in the middle of our district.
18 And I know that Dr. Richman, both as a physician and
19 resident of the community, maintains a very strong
20 interest in determining if there is any causal factors
21 between the landfill and the diseases and that type of
22 thing.

23 And just as a matter of retrospect, I was
24 working in the California State Assembly ten years ago
25 in the early 1990s, and basically we had the same issues

1 back then as we do now. And the period of time between
2 then and now hasn't mitigated any of the issues, and
3 it's still a major concern to the community. And the
4 only one thing I wanted to add is in reading the report
5 the Board submitted is the additional information from
6 the M.W.D.

7 And I'll read this then give it to your
8 staff for incorporation into the record, if that's okay.

9 "The Board staff fails to include the
10 comments of the Metropolitan Water
11 District in it's staff report. They state
12 that 'if not appropriately monitored and
13 controlled, leachate and landfill gas may
14 negatively impact our facilities including
15 the Jensen Filtration Plant and the Balboa
16 Tunnel.' They go on to say that
17 'Metropolitan understands that the
18 existing landfill has received violations
19 from the Regional Water Quality Control
20 Board during its operations,' end quote.

21 "For the safety of the country's
22 largest regional water supply and the
23 health and welfare, one can only hope that
24 BFI will be more careful next time."
25 On behalf of Assemblyman Richman, I wish

1 to thank you for the opportunity to be here today.

2 CHAIRPERSON CLOKE: Thank you, Mr. Washburn.

3 Would you make sure you give your card to Dr. Stratton

4 or Dr. Simon so that they can be in touch with you about

5 this.

6 MR. WASHBURN: Okay. I will because Dr. Richman

7 would like to have continued input into all the

8 proceedings.

9 CHAIRPERSON CLOKE: If you could just make sure

10 they have that contact information.

11 MR. WASHBURN: Thank you very much.

12 CHAIRPERSON CLOKE: Thank you for coming.

13 MR. WASHBURN: As soon as I get the report to

14 you --

15 CHAIRPERSON CLOKE: Ms. Harris will take it.

16 MR. WASHBURN: -- or my thingy-dingy.

17 CHAIRPERSON CLOKE: Okay. Just changed persona.

18 Mr. Hameter.

19 I think I butchered your name, sir.

20 Representing Supervisor Antonivich.

21 MR. HAUETER: It's "Haueter."

22 CHAIRPERSON CLOKE: Spell it.

23 MR. HAUETER: H-a-u-e-t-e-r. That's all right.

24 No one ever pronounced it correctly the first time, even

25 my mother.

1 Madam Chair, members of the Board, thank
2 you for the opportunity to address you here.

3 I'm representing L.A. County Supervisor
4 Mike Antonivich. His district includes Sunshine Canyon.
5 At the Board of Supervisors meeting this past Tuesday,
6 the Board adopted a motion from the Supervisors, which I
7 was going to present to you today. However, Dr. Simon
8 in his earlier testimony, mentioned the motion, and I
9 understand copies have been made and distributed.

10 I will comment, though. There have been
11 some questions since I came back from your break about
12 the motion, whether it looks official or not. It was a
13 read-in motion, which means that the motion was read in
14 by the Supervisor. It takes about seven to nine days
15 after our meeting for an official copy to be prepared.
16 So by next Tuesday or Wednesday, if your Board wants,
17 the secretary of our Board can prepare a copy for you.
18 I provided that copy of the motion just so everyone here
19 can have a chance to see the motion.

20 The supervisor asked me to thank you for
21 your efforts to investigate these serious charges and
22 looks forward to working with your staff and our County
23 Health Department to answer the questions raised by
24 these claims. Dr. Simon has been asked -- his
25 department has been asked to report back to our Board

1 within 30 days on his findings and the information that
2 we gather here today. So thank you very much.

3 CHAIRPERSON CLOKE: Thank you very much. Will
4 you be able to stay to answer questions?

5 MR. HAUETER: Yes. As the doctor said, I'm here
6 for the day.

7 CHAIRPERSON CLOKE: Thank you. I appreciate
8 that.

9 Mr. McIntyre from Mayor Hahn's office.

10 MR. MCINTYRE: Thank you and good afternoon,
11 Madam Chair and members of the Board. My name is
12 Todd McIntyre representing Mayor Jim Hahn. I'm going to
13 read a statement, a letter that is addressed to Chair
14 Cloak.

15 "Dear Ms. Cloak, I appreciate the hard
16 work and diligence that you and the
17 Regional Water Quality Control Board team
18 have made in the permitting process thus
19 far. You have a profound responsibility
20 to the residents in the Sunshine Canyon
21 area that I know you do not take lightly."

22 CHAIRPERSON CLOKE: Please, slow down. We have a
23 court reporter.

24 MR. MCINTYRE: I'm sorry.

25 CHAIRPERSON CLOKE: She's good but.

1 MR. MCINTYRE: I'll start again.

2 CHAIRPERSON CLOKE: Please start again.

3 MR. MCINTYRE: No problem.

4 CHAIRPERSON CLOKE: Thank you.

5 MR. MCINTYRE: (Reading):

6 "I appreciate the hard work and
7 diligence that you and the Regional Water
8 Quality Control Board team have made in
9 the permitting process thus far. You have
10 a profound responsibility to the residents
11 in the Sunshine Canyon area that I know
12 you do not take lightly. As Mayor of
13 Los Angeles, I too share the
14 responsibilities of ensuring the health
15 and safety of each of its residents. That
16 is why I feel compelled to raise a couple
17 of my concerns for you to consider as you
18 make your deliberations.

19 "First, I am concerned about the
20 recent discovery of the toxin 1,4-Dioxane
21 at the City Side of the Sunshine Canyon
22 Landfill. If you recall at the July 24th
23 Board meeting, Mr. Dennis Dickerson stated
24 that, based on a report stated by Browning
25 Ferris Industries, BFI, Dioxane was

1 detected in three groundwater monitoring
2 wells on the City Side of the landfill as
3 well as the groundwater extraction trench.

4 "I am particularly concerned because
5 the U.S. Environmental Protection Agency
6 has classified Dioxane as a probable human
7 carcinogen. According to the E.P.A.,
8 clinical studies have shown that when
9 Dioxane was administered to lab animals in
10 their drinking water over a period of
11 time, it was observed that there was a
12 higher occurrence of liver damage
13 including liver carcinomas. The detection
14 of this toxin is disturbing, and I believe
15 the Board should take all measures
16 necessary to determine the extent of
17 contamination.

18 "Also, I am extremely concerned about
19 the high incidence of cancer in the
20 neighborhoods that surround the landfill.
21 As you know, seeing from your last few
22 hearings, dozens of residents have come
23 forward to relate their personal incidents
24 with cancer among themselves, their
25 families and their neighbors. The

1 frequency of these occurrences presents a
2 very disturbing picture. Therefore, I
3 join the rising chorus of voices and ask
4 the Board request an independent study to
5 examine the cancer clusters in the
6 surrounding area. While I understand that
7 such matters may not technically be under
8 the purview of the Board, I believe that
9 in such cases, public health must always
10 be our guide. The residents of the North
11 Valley deserve such scrutiny.

12 "I recognize that these are difficult
13 issues to sort through. Nevertheless, the
14 Board has the solemn responsibility to the
15 residents and the families in the area to
16 ensure that all precautions have been
17 taken and all concerns have been
18 addressed. As such, until these issues
19 have been adequately addressed, I do not
20 believe the permit should be issued.

21 "Thank you for your consideration of
22 these very important issues."

23 CHAIRPERSON CLOKE: Thank you, Mr. McIntyre, and
24 will you also be able to stay for questioning?

25 MR. MCINTYRE: Yes.

1 CHAIRPERSON CLOKE: And Ms. Bernson representing
2 Councilman Smith.

3 MS. BERNSON: Thank you, Madam Chair, members of
4 the Board, for this opportunity to address you.

5 I'm here today representing Councilmember
6 Greig Smith of the 12th District, whose district
7 contains the Sunshine Canyon Landfill. I would like to
8 read a letter that he has prepared into the record.

9 "To the members of the Los Angeles
10 Regional Water Quality Control Board, in
11 July this Board continued the item dealing
12 with granting BFI the WDRs necessary to
13 expand their landfill. Along with your
14 decision, you asked your staff to report
15 back on the eleven separate areas of
16 concern. Among them a cancer study, a
17 study of respiratory illness, and a study
18 of birth defects, low birth weight and
19 miscarriage in the areas immediately
20 surrounding the Sunshine Canyon Landfill.
21 Your Board staff report addresses no new
22 studies in the area, merely a rehashing of
23 the existing inadequate studies.

24 "Though I have no idea how they could
25 report back on such weighty issues within

1 such a relatively short period of time, I
2 have some relevant health studies of my
3 own that I would like to call to your
4 attention.

5 "On July 24, 2003, your own staff
6 reported the detection of 1,4-Dioxane
7 released from the City Side landfill to
8 groundwater detected in both the County
9 and City monitoring wells. The U.S.
10 E.P.A. classifies 1,4-Dioxane as a
11 probable human carcinogen based upon
12 evidence of carcinogenicity in experimental
13 animals. This chemical readily leaches
14 into groundwater without absorbing
15 significantly into soil particles and is
16 difficult to biodegrade. Additionally,
17 1,4-Dioxane can rapidly diffuse through
18 low permeability soils such as silts and
19 clays.

20 "One study showed that landfill
21 leachate may pass through a one-meter
22 thick clay landfill liner in approximately
23 five years to impact the underlying
24 groundwater in excess of drinking water
25 standards. A clay based liner of only

1 four feet, as proposed in this project, is
2 not sufficient to keep 1,4-Dioxane from
3 the water table. Additionally,
4 1,4-Dioxane's low volatility and low
5 absorptive capacity make existing air
6 stripping technology ineffective as well
7 as precluding the use of granular
8 activated carbon.

9 "These methods used to remove host(ph)
10 TCA impacts from groundwater are not
11 adequate for treatment of 1,4-Dioxane.
12 The advanced oxidation techniques employ
13 ultraviolet light that are effective for
14 1,4-Dioxane removal and are not effective
15 for treatment of the host TCA.

16 "The proposed C.A.P., corrective
17 measures for VOCs do not address this
18 issue; and are, therefore, not adequate
19 for the remediation of Dioxane
20 contamination.

21 "A separate 1988 study conducted by
22 researchers at Texas A & M University
23 revealed that there is ample evidence that
24 the municipal waste landfill leachates
25 contain toxic chemicals in sufficient

1 concentrations to be potentially as
2 harmful as leachate from industrial waste
3 landfills.

4 "The Texas study shows that, even
5 though municipal landfills may not legally
6 receive hazardous waste, the leachate they
7 produce is as dangerous as leachate from
8 hazardous waste landfills. Doctors Kirk
9 Brown and Casey Donnelly (ph) of Texas A&M
10 examined data on the composition of
11 leachate from 58 landfills. The data they
12 received showed 113 different toxic
13 chemicals in landfills from municipal
14 landfills and only 72 in leachate from
15 hazardous waste landfills.

16 "Additionally, a breakdown of the
17 chemical contents found the following: In
18 both industrial and municipal landfill
19 leachate, 32 chemicals cause cancer; in
20 industrial landfill leachate, 10 chemicals
21 cause birth defects compared with 13 in
22 municipal landfill leachate; in industrial
23 landfill leachate, 21 chemicals cause
24 genetic damage compared with 22 genetic
25 damage causing chemicals found in

1 municipal landfill leachate. This does
2 not even take into account the probability
3 of illegal dumping in which a truckload of
4 waste may conceal a few gallons or barrels
5 of hazardous chemicals unreported by its
6 dumper or undetected by BFI

7 "Additionally, the August 28th
8 'op.ed.' section of the Los Angeles Times
9 refers to the massive electronic, or
10 e-waste, that is currently making its way
11 into municipal landfills, including
12 cadmium, mercury, lead, and cathode ray
13 tubes. Considering the two to
14 five million computer monitors and
15 television screens disposed of in
16 California alone each year, it is more
17 probable than possible that this hazardous
18 waste is finding its way en masse to
19 municipal landfills like Sunshine Canyon.

20 "Since the E.P.A. has stated
21 categorically that all landfill liners
22 leak and that the County Side liner has
23 already been breached allowing hydrogen
24 sulfide to leak into the subdrain, the
25 question I raise to this Board is: Do

1 you want to bear the responsibility for
2 the 32 cancer causing, 13 birth defect
3 causing, and 22 genetic damage causing
4 chemicals found in municipal landfill
5 leachate and the untold damage and
6 suffering they have caused and will
7 continue to cause this surrounding
8 communities? Do you consider this a
9 reasonable price to pay in exchange for
10 the economic dumping of waste?

11 "The health and safety of the citizens
12 of Los Angeles and the surrounding areas
13 depend upon your better judgment to
14 prevent the further contamination of their
15 groundwater and drinking water supply.

16 "I ask you that you adhere to your
17 mission statement to reserve and enhance
18 the quality of California's water supply
19 for the benefit of future and present
20 generations and deny the WDRs.

21 "Sincerely, Greig Smith,
22 Councilmember, 12th District."

23 CHAIRPERSON CLOKE: Thank you.

24 MS. BERNSON: And thank you for your indulgence
25 with the time.

1 CHAIRPERSON CLOKE: Thank you, Ms. Bernson. And
2 I'll ask you the same question: Will you be able to
3 stay?

4 MS. BERNSON: Absolutely.

5 CHAIRPERSON CLOKE: Mr. Gideon Kracov, please,
6 from City Attorney Delgadillo's office.

7 MR. KRACOV: Good afternoon, Board members and
8 Madam Chair. My name is Gideon Kracov, and I'm here for
9 City Attorney Rocky Delgadillo. I would like to read a
10 statement from Mr. Delgadillo.

11 "Protecting our neighborhoods is the
12 top priority of my office. Public safety
13 means ensuring a clean environment and
14 protecting public health. The healthful
15 environment is the foundation of a good
16 quality of life, and that is why I'm
17 working with the Mayor and the Los Angeles
18 City Council to oppose expansion of the
19 Sunshine Canyon Landfill and to urge your
20 Board to deny this WDR.

21 "There's no dispute that Sunshine
22 Canyon has affected the surrounding
23 environment. We know that VOCs are
24 present in water collected in the Sunshine
25 Canyon County landfill subdrain and in

1 groundwater monitoring well No. 10.

2 "Community members complain of odors
3 they link to sewer discharges from the
4 landfill. These discharges increased
5 dramatically in the last year and will go
6 up each year the County and City landfills
7 except trash. This sewer runs through a
8 buffer zone created in 1958 that prohibits
9 cut-and-fill operations and then through a
10 residential neighborhood in Granada Hills.
11 It is because of these and other issues
12 that I believe that Sunshine Canyon simply
13 is not an appropriate place for a
14 landfill.

15 "I wish to raise four specific
16 environmental health and safety issues of
17 concern: First, the Board must ensure
18 that the City subdrain system will not be
19 connected to the County subdrain where
20 releases have occurred otherwise the
21 subdrain releases from the County may
22 spread to the City subdrain. Also we
23 should get to the bottom of subdrain
24 releases. Are they indeed caused by a
25 leak in the liner system at the County

1 landfill?

2 "Second, the Board must perform
3 regular independent testing of the
4 groundwater extraction trench and the
5 proposed cutoff wall in the downgradient
6 areas. These measures are absolutely
7 critical to stop groundwater contaminates
8 from exiting this site, and they must work
9 perfectly when needed even if for our
10 children's generation. The Board must
11 ensure the trench system and cutoff wall
12 are built with the very best technology.

13 "Third, I strongly recommend that
14 plans to create a new leachate treatment
15 facility and sewerline along
16 non-residential San Fernando Road be
17 expedited to address any possible sewer
18 impacts on the local community.

19 "Lastly, the L.A. City Council
20 recently prohibited the use of certain
21 daily cover materials at Sunshine Canyon,
22 including banning the use of contaminated
23 soil, and your permit should reflect these
24 local requirements.

25 "Thank you for the opportunity to

1 provide these comments. I look forward to
2 working with you, the community, and other
3 elected officials to ensure a just and
4 environmentally protective outcome at
5 Sunshine Canyon."
6 Thank you.

7 CHAIRPERSON CLOKE: Thank you. I'll ask you the
8 same question: Will you stay?

9 MR. KRACOV: Yes.

10 CHAIRPERSON CLOKE: And I'll make a copy of your
11 letter available.

12 MR. KRACOV: I submitted one earlier today.

13 CHAIRPERSON CLOKE: Do you have it with you? I
14 think at some time we'll take a break, and we'd like to
15 look at all these letters that have been entered into
16 the testimony but we have not actually got our hands on.

17 MR. KRACOV: Yes. Thank you.

18 CHAIRPERSON CLOKE: Thank you, Mr. Kracov.

19 Now, we're going to the discharger
20 presentation.

21 Ms. Rubalcava, are you here?

22 Mr. Edwards. We received a request from
23 Ms. Rubalcava for 30 minutes. And when you begin, I'll
24 ask Ms. Harris to set her timer for the 30 minutes and,
25 as you change people, she'll, you know, pause the clock

1 to give you a chance to get up and get down. But I
2 would like to ask you to be the taskmaster for your
3 group and to be sure that you hold on to that 30
4 minutes.

5 MR. EDWARDS: Sure.

6 CHAIRPERSON CLOKE: And I am making the
7 assumption that you'll stay and answer questions?

8 MR. EDWARDS: Yes, we will.

9 CHAIRPERSON CLOKE: Thank you.

10 Go ahead and introduce yourself, sir.

11 MR. EDWARDS: Madam Chair, members of the Board,
12 my name is Dave Edwards, and I'm the Project Director
13 for the Sunshine Canyon Landfill project.

14 We appreciate the opportunity to answer
15 the questions that were presented at the special hearing
16 on July 24th in this auditorium. To provide the best
17 answers, I have asked team members with expertise in the
18 respective areas to give sections of this presentation.

19 Sharon Rubalcava, legal counsel with
20 Weston Benshoof, can bring clarifications to the Board's
21 regulatory jurisdictional areas and provide answers to
22 water related questions like wetlands; Dr. Bert Palmer,
23 an engineer and principal with GeoSyntac will discuss
24 details of Subtitle D liner, as well as groundwater
25 issues; Chris Funk, legal counsel also with Weston

1 Benshoof, has been involved with the project since 1988
2 and will answer questions regarding phasing of the
3 project, cue conditions (ph), and allegations of a
4 cancer cluster and other health impacts; Dr. Shari
5 Libicki is a scientist and principal of Environ
6 Corporation and on the faculty at Stanford University,
7 who will discuss air quality issues and the extensive
8 air monitoring that has been conducted at Sunshine
9 Canyon and in the surrounding neighborhoods.

10 Our goals are twofold today. First, to
11 answer all the questions that you had from the July 24th
12 hearing and, second, to provide sound rationale for
13 approval today of the WDRs.

14 Approval of the WDRs of Sunshine Canyon
15 Landfill are needed because we believe that, at the end
16 of our question and answer presentation, you'll see that
17 there's no basis for the denial of the WDRs. Sunshine
18 Canyon Landfill meets and, in some categories, surpasses
19 all regulatory requirements. There have been two EIR's.
20 The EIR already completed involved more than 60 public
21 hearings. The Board staff report has been thorough and
22 clear and recommends granting the WDRs.

23 Finally, there is a significant shortage
24 of disposal capacity in L.A. County. Whether or not the
25 City renews its contract in 2006 doesn't change that

1 fact. Sunshine Canyon Landfill plays a vital role in
2 meeting the anticipated disposal needs of both the City
3 and County of Los Angeles in the short and long term.

4 With that, I would like to turn the mic
5 over to Sharon Rubalcava.

6 MS. RUBALCAVA: Thank you, Dave.

7 Good afternoon, Board members. My
8 presentation today will address the questions posed by
9 the Board at the last hearing and the regulatory
10 requirements that apply to municipal solid waste
11 landfills.

12 The questions I will be answering are:
13 Will the landfill cause water-related health impacts?
14 Will the proposed landfill impact the D.W.P. or M.W.D.
15 facilities? Will the removal of the wetlands be
16 mitigated? Does BFI's proposed landfill design meet
17 regulatory requirements? And should the WDRs issue
18 today?

19 Beginning with the water quality related
20 issues, I would like to stress the point that
21 Dr. Stratton made earlier; that is, that he found no
22 pathway, no water-related pathway from the landfill to
23 the community. I would like to reiterate that, and also
24 that the landfill will not cause health impacts to the
25 community. There is and will not be exposure to the

1 community from site groundwater leachate or storm water.

2 Let's look at each of these very briefly
3 in turn.

4 Will groundwater cause water-related
5 healths impacts on the community? First off, there has
6 been no testimony that the community is exposed to
7 groundwater. The reason is that groundwater flow in
8 Sunshine Canyon is cut off by the existing extraction
9 trench. BFI has proposed the addition of a cutoff wall
10 for added protection. Groundwater will not leave the
11 property. Accordingly, there will be no exposure of the
12 community to groundwater and, hence, no health impacts.

13 Will landfill leachate cause water-related
14 health impacts in the community? Again, the answer is
15 no because the community's not exposed to leachate.
16 Leachate is collected by the liner system. It's treated
17 and discharged to the sanitary sewer. The discharge is
18 in compliance with the discharge limits in the
19 industrial waste discharge permit. If there is no
20 exposure to leachate, there can be no health impact.

21 Will storm water cause health impacts?
22 Once again, the answer is no. Storm water is collected
23 and managed on site. The Board have no related pathway
24 to justify requiring a health study. Such a study is
25 beyond your jurisdiction.

1 Next question: Will the proposed landfill
2 affect the D.W.P. and M.W.D. facilities? This issue has
3 been covered by Dennis Dickerson in his presentation. I
4 would only like to point out in their letters to you,
5 neither the D.W.P. nor the M.W.D. asked you to hold off
6 issuing the WDRs, nor did they ask for additional
7 conditions or any changes to what had been provided by
8 BFI.

9 You asked at the last hearing if the
10 removal of wetlands will be mitigated. The answer to
11 that is yes. Staff covered this very well. So I would
12 just like to focus briefly on BFI's proposed mitigation
13 project, and that project will be located at the
14 Chastworth Reservoir.

15 As Mr. Dickerson pointed out, this is the
16 closest site with added acreage for the needed
17 mitigation. And we're proud to say this project will
18 create stream zones, wetlands, and riparian habitat at
19 the mitigation ratios of three-to-one and four-to-one
20 respectively.

21 We talked about -- the next slide. We
22 talked about the amount, the extent of the habitat, and
23 wetlands removal. Mr. Dickerson covered this. You'll
24 note our numbers are a little different because they
25 cover both wetlands and habitat.

1 You also asked at the last hearing about
2 wetlands removed from the County landfill. A total of
3 3.97 acres were removed. That was pursuant to all
4 necessary permits.

5 If you look at this picture, this is the
6 mitigation project that BFI performed in the Arroyo Seco
7 in Pasadena, a very successful mitigation project; and
8 hopefully Chastworth will be just as beautiful.

9 Okay. Let's turn very briefly to the
10 action before you today: Approval of WDRs and the
11 determination you must make which is whether the
12 landfill meets the regulatory requirements.

13 Unlike many of the Board's permitting
14 activities, the regulation of landfills is the subject
15 of detailed state and federal regulation setting forth
16 the design, siting, and monitoring standards. There are
17 state and federal requirements. In both are required
18 what are called a "prescriptive design standard" for
19 landfills. That's the composite liner that BFI has
20 proposed. And that prescriptive design was found to be
21 protective by U.S. E.P.A. and the State Board to be
22 protective under all environmental circumstances.

23 In addition to proposing the protective
24 prescriptive liner, you should be aware of the added
25 protective features of Sunshine Canyon. These include

1 excellent natural containment. This site is underlined
2 by bedrock. It is not located over an aquifer or
3 potable water source. And we have proposed an enhanced
4 double layer liner under the leachate collection sump.
5 That's in excess of Subtitle D requirements.

6 The bottom line is that there is no
7 regulatory reason to deny the permit or to adopt a
8 different liner design than the one proposed by BFI has
9 met or exceeded all state and federal requirements, and
10 no evidence has been presented that the project, as
11 proposed by BFI, will not protect the environment.

12 In fact, even though your staff has
13 proposed an alternative liner in the change sheet,
14 they've done so in response to public comment. And they
15 state:

16 "Staff believes that considering the
17 low permeability of the bedrock at the
18 site, the liner system initially proposed
19 in the tentative WDRs is protective of
20 groundwater resources."

21 Accordingly, the WDR should be granted
22 today. The time period for processing of this permit
23 set forth in state law has already past. Please issue
24 the permit today.

25 Our next presenter will be Dr. Bert Palmer

1 of GeoSyntac who will discuss the liner design and the
2 groundwater monitoring program.

3 Thank you.

4 CHAIRPERSON CLOKE: Thank you, Ms. Rubalcava.

5 MR. PALMER: Thank you very much, Sharon.

6 Madam Chair, members of the Board, I would
7 like to help to answer a few technical questions that
8 have been raised before by this Board.

9 CHAIRPERSON CLOKE: I need you to say your name
10 and your affiliation for the record.

11 MR. PALMER: I'm sorry. My name is Bert Palmer,
12 and I'm with GeoSyntac Consultants.

13 CHAIRPERSON CLOKE: Thank you, Mr. Palmer.

14 MR. PALMER: Before getting into the technical
15 details, I guess, sort of my first question I would like
16 to answer is the issue of Subtitle D liner and its
17 protection to the groundwater.

18 Before getting into the technical detail,
19 I would like to mention that Subtitle D was originally
20 promulgated by the E.P.A. in 1993 as the prescriptive
21 standard design for landfill liners to be protective of
22 groundwater.

23 Subtitle D liner has many layers. The
24 first layer is two feet of compacted low permeability
25 soil, typically clay. The second layer is a thick layer

1 of hard plastic. The third layer is a leachate
2 collection layer, typically gravel, which conveys the
3 leachate originating from the refuse to the leachate
4 collection removal system. And having all these layers
5 together provide excellent groundwater protection.

6 As you can see, the sides and the bottom
7 of the landfill slope to the leachate collection sump
8 where leachate is removed from the landfill. This slope
9 does not allow leachate to accumulate on top of the
10 liner. The geomembrane acts as a barrier to downward
11 flow and allows the leachate to easily flow toward the
12 leachate collection pipe and sump for removal.

13 One of the questions we hear sometimes is:
14 What if there is a perforation in the liner? Well,
15 that's where the low permeability clay comes into play
16 and plugs the perforation on the geomembrane providing
17 redundancy as a barrier to flow.

18 Now, to avoid perforation of the liner,
19 BFI has always and will again implement an independent
20 extensive construction management monitoring and quality
21 assurance program, also called CQA. This program is
22 performed under the oversight of the Water Board.

23 The CQA program includes many components
24 including specifically: Continuous apparent observation
25 during construction, testing of the low permeability

1 clay layer, monitoring of the integrity of the
2 geomembrane, and monitoring of the integrity of the
3 seams between the geomembrane panels. This monitoring
4 and testing is performed to make sure that the liner
5 construction conforms to the design and that all
6 materials and construction methods meet specifications.

7 To summarize, the Subtitle D liner is
8 designed and constructed to protect groundwater. It
9 provides multiple redundant layers of protection for the
10 following reason: There is no accumulation of leachate
11 due to the slope of the liner, and the leachate is
12 removed from the landfill. And the geomembrane offers
13 the first layer of protection against groundwater flow,
14 and the clay layer offers the second level of
15 containment for the landfill. Extensive monitoring and
16 testing is performed during construction. All this work
17 and the design is reviewed and approved by the Water
18 Board.

19 To conclude, Subtitle D single-composite
20 liners have been thoroughly studied and, through
21 implementation, have proven to be protective of
22 groundwater. Therefore, this exceeds the specific
23 standards such as the design proposed by the Water Board
24 staff today and may not be necessary to provide
25 groundwater protection at Sunshine Canyon.

1 The next issue I would like to -- or the
2 next question I would like to discuss is sort of a
3 combination of the detection of 1,4-Dioxane, the
4 Corrective Action Program, as well as the need for
5 off-site monitoring well.

6 BFI has already presented and performed an
7 extensive study, has worked with the Water Board to
8 evaluate 1,4-Dioxane at Sunshine Canyon as proposed in
9 the Corrective Action Program. The results of this work
10 were presented by Mr. Dickerson earlier, and I do not
11 want to go over it. BFI concurs with the Water Board.

12 I just have a few comments.

13 BFI submitted a proposed Corrective Action
14 Plan to the Water Board on August 7, 2003, to address
15 the detection of 1,4-Dioxane and to provide the
16 corrective action. BFI and the Water Board have worked
17 hand-in-hand to finalize the corrective action plan, and
18 as a result, the provisions of the corrective action
19 plan have been included in the WDR which is before you.

20 I would like to mention, though, that the
21 presence of 1,4-Dioxane is likely caused by prior site
22 activities and not originating from the lined County
23 landfill. In addition, because, the City extension will
24 also be lined, 1,4-Dioxane would not either originate
25 from future City expansion. BFI also concurs with the

1 Water Board that there's no need for an off-site
2 groundwater monitoring well. There are many redundant
3 systems which are either installed or can be installed
4 to monitor and/or capture groundwater before it could
5 cross the property line. All this work is presented in
6 the WDR. However, if needed based on site condition,
7 BFI will comply with regulatory requirements regarding
8 installation of off-site groundwater monitoring wells.

9 And with that, I would like to give the
10 floor to Chris Funk.

11 MR. FUNK: Good afternoon, members of the Board.
12 My name is Chris Funk. I'm an attorney with the Weston
13 Benshoof law firm.

14 I'd like to first talk about the question
15 that you had relative to piece-mealing. As stated by
16 Mr. Dickerson, this project is not being piece-mealed.
17 To the contrary, the subsequent Environmental Impact
18 Report that the City approved in 1999 covers the entire
19 451-acre landfill which includes the 215-acre area of
20 the County landfill, the 42-acre gap or bridge area
21 between the County and the City and the 194 acres of the
22 City landfill that we're permitting the first portion
23 of. This four-volume EIR was certified in 1999 then
24 upheld in court. In fact, we had a 40,000 page
25 administrative record. It's gone through the Court of

1 Appeal. It's now final.

2 The City EIR and the City conditions
3 specifically contemplated that the City and County
4 landfills would be operated separately. Hopefully,
5 within one year of the time we recommence landfilling of
6 the City Side, we're going to be able to get approvals
7 from the County and the City and certain other joint
8 approvals that we need, including the solid waste
9 facilities permit, for a joint combined landfill so
10 we'll have 12,100 tons per day and a single working
11 phase on either side of the jurisdictional line.

12 Let me talk a second about separate
13 permitting. Again, it's said -- it's stated in the
14 staff report, "Sunshine Canyon is essentially bisected
15 by the line that divides the City from the County," as a
16 result of permitting for the landfilling is City and
17 County and other agencies relative to those separate
18 jurisdictions.

19 For example, landfilling was first
20 authorized in the City in 1958, and landfilling
21 continued until 1991. In 1993, the County approved a
22 final EIR, which was certified and upheld in court. And
23 in 1996 the County landfill opened. Then in 1999, we
24 received approvals from the City for the joint
25 City/County landfill, and we have a solid waste

1 facilities permit that's been issued, then, for the
2 first phase of that. And we're before you today, of
3 course, for the WDRs. So as you can see, it's not a
4 simple process. We have to have separate permitting.

5 Now, with regard to Oak trees, the staff
6 report, again, talked about the fact that there will be
7 510 Oak trees removed from the isolated area that's
8 located between the inactive City landfill and the
9 operational County landfill. Two replacement trees will
10 be planted for each tree that is removed.

11 Now, over the past decade -- I would like
12 to add one thing to the staff report. Over the past
13 decade, in addition to the thousands of Oak trees that
14 we've planted in the perimeter of Sunshine Canyon, we've
15 provided 435 Oak trees to the City for planting in
16 adjoining communities, over 2,500 trees to agencies and
17 organizations throughout Southern California for
18 planting, and we will be planting another 800 Oak trees
19 along the southern perimeter of the landfill as a
20 buffer.

21 Next, I'd like to talk about the closure
22 question that you had. You've asked whether the City's
23 landfill permit would prohibit the issuance of WDRs by
24 the Board until closure of the inactive City landfill
25 has been completed. Well, it does not.

1 What the City approval does say is that
2 where new areas are to overlie portions of the inactive
3 landfill, we must close those portions prior to the
4 commencement of landfilling in those specific areas; and
5 of course, that requirement is stated by Mr. Dickerson
6 in the WDRs.

7 I would like to turn now, to the issues of
8 health and cancer. And at the outset, I want to talk
9 about the fact that this process that I've been involved
10 in with BFI has gone on for 15 years. In fact, the
11 final EIR for the County was started in 1985.

12 Sharon Rubalcava and I got involved a little after that.

13 You know, the health issues have been
14 studied repeatedly since that time. I think it's
15 important that we rely on so many of these studies and
16 give credence to -- you have experts today that have
17 talked about the credibility, the efficacy of these
18 studies, the efficacies of the Cancer Registry.

19 With regard to that, you know, the U.S.C.
20 Cancer Surveillance Program has determined that there is
21 no cancer cluster in the residential area south of the
22 landfill. Dr. Cozen stated first in 1999: We found no
23 evidence of an increased risk of cancer in this area.
24 In a recent letter to the Board, to Mr. Dickerson, she
25 again concluded, quote:

1 "There is no evidence of excess cancer
2 risk among residents living near the
3 Sunshine Canyon Landfill."

4 This is taken from the Cancer Registry,
5 and I can tell you from experience in my own life and
6 family, when you have cancer in this county, that data
7 goes in. It's registered. So it's not a collection of
8 anecdotal; it's factual.

9 In another recent report responding to
10 similar allegations of the cancer cluster near two
11 landfills in Pennsylvania, the health department there
12 said based on the types of cancers in the area and the
13 rates, there's no environmental data demonstrating that
14 there are human exposures to carcinogens from these
15 sites that could increase the rate.

16 This report also noted something that's
17 very interesting about the incidence of cancer. I think
18 it's very telling about what people say in this
19 community.

20 They say that cancer increases
21 dramatically with age. And, for example: At age 65,
22 nearly two out of every 100 people diagnosed annually
23 have cancer. With cancer being discovered earlier and
24 with improvements in treatment, more people are being
25 cured, and consequently the prevalence is growing.

1 And I continue to quote, quote: "This
2 adds to the perception that cancer risks or rates are
3 elevated, and it magnifies the problem."

4 Part of it is that we're curing people,
5 keeping people -- people are staying alive longer; there
6 are more people with cancer in the community.

7 Now, attributing cancer to a specific
8 reason -- and this is stated by everybody today
9 including Dr. Stratton -- means that you have to have
10 exposure to a specific carcinogen; and though some
11 residents have talked about the potential concern of
12 groundwater being contaminated, they have not alleged
13 that they have come in contact with contaminated
14 groundwater nor have they alleged that they have any
15 contact with contaminated storm water. Thus there's no
16 exposure to water which is what is under your
17 jurisdiction.

18 And something outside of your jurisdiction
19 is the issue of airborne impacts. Dr. Shari Libicki is
20 going to be reporting on the absence of such effects
21 there which our studies have shown time and again.

22 With regard to the general health study
23 issue that was discussed a little bit by Dr. Stratton
24 and also by Dr. Simon, again, specific cancer studies
25 have been done, and there's no evidence of increased

1 cancer risk. In general health studies, some of the
2 residents have alleged that the landfill is causing
3 adverse health impacts, but there's no evidence of this.
4 And since the late 1980s, public officials have
5 repeatedly found these claims to either be
6 unsubstantiated or determined that a health study is
7 unwarranted.

8 For example -- and I think we have to rely
9 on these experiments -- in 1993, a letter to the City,
10 Dr. Paul Papanek, who was then the chief of the
11 County's Toxics Epidemiology Program concluded, quote:

12 "I do not think that a general
13 epidemiology study would be useful here.
14 Among other things," he stated, "obtaining
15 valid data is difficult due to well
16 established problems in areas like this
17 with recall and selection bias and the
18 incremental risk associated with landfill
19 exposure are likely to be very small."
20 And I further, quote, "Well below the
21 threshold for detection in an epidemiology
22 study."

23 In 1999 Dr. Papanek, again, stated this
24 opinion saying, quote:

25 "That the potential for significant

1 human health risk attributable to a
2 Class III landfill is generally low, and
3 the City should not conduct an
4 epidemiological study for the proposed
5 project because this type of study would
6 be unwarranted based on scientific
7 grounds."

8 That I think is what we have to rely upon.

9 In summary, health risk reviews in this
10 area have consistently found no elevated cancer risk,
11 and the experts consulted have repeatedly stated a
12 general health study of this area would not be
13 scientifically feasible or useful.

14 I thank you, and I would like to give this
15 over now to Dr. Shari Libicki.

16 CHAIRPERSON CLOKE: Thank you, Mr. Funk.

17 MR. FUNK: Thank you.

18 DR. LIBICKI: Good afternoon. My name is
19 Shari Libicki. I'm a principal at Environ Corporation.
20 As Mr. Funk stated, I'm here to address air quality at
21 the Sunshine Canyon Landfill.

22 Let me begin by discussing the three
23 sources of airborne emissions from a municipal solid
24 waste landfill. The three sources are landfill gas that
25 is not completely collected or destroyed by the landfill

1 gas system; dust generated by vehicular movement on or
2 near the landfill surface; and, finally, exhaust
3 emissions from heavy equipment at the landfill.

4 The first source, landfill gas, has been
5 extensively studied for the last 20 years. It is
6 generated from the decomposition of the organic trash in
7 the municipal solid waste. Landfill gas is primarily
8 methane and carbon dioxide as well as characterized
9 trace organic constituents in the landfill gas.

10 How does BFI control landfill gas?
11 Through an extensive state-of-the-art landfill gas
12 collection system. The system design is mandated by the
13 state and federal government. There is also a system of
14 subsurface landfill gas pumps that are required to
15 ensure that landfill gas does not migrate beyond the
16 perimeter surrounding the landfill. Local, state, and
17 federal regulations require both surface monitoring and
18 subsurface monitoring to ensure integrity of the system.

19 South Coast Air Quality Management
20 District regulations that implement the federal landfill
21 gas collection requirements are among the strictest in
22 the nation.

23 How are the potential health impacts of
24 landfill gas on the residents surrounding the landfill
25 studied? They were studied during the 1999 supplemental

1 EIR using well known health protective methods. First,
2 the landfill gas emissions from the full border were
3 evaluated; second, the potential movement of landfill
4 gas beyond the border of the landfill was predicted, and
5 potential exposure to the landfill gas were predicted
6 using overestimates of how long residents may be exposed
7 to landfill gas; finally, the health risk of the
8 exposure was estimated. The assessment showed that the
9 potential health risks from landfill gas is below the
10 level of significance set by the state of California.

11 How is tailpipe exhaust from heavy
12 equipment regulated? First, the federal government has
13 set strict tailpipe exhaust limits for new vehicles
14 beginning in 2004. Heavy vehicles are getting cleaner.
15 Second, South Coast Air Quality Management District
16 regulation 1193 and the City approvals require garbage
17 truck conversions from diesel power to cleaner burning
18 fuels.

19 What is the impact of diesel exhaust?
20 That question, too, was studied during the supplemental
21 EIR process. Emissions from heavy equipment operating
22 at the landfill during full buildup were characterized
23 in a process similar to that for landfill gas. Mists at
24 Van Gough Elementary School in the neighborhood were
25 found to be at the lower level of significance set by

1 the state of California.

2 How is dust controlled at Sunshine Canyon?

3 First, water trucks and other dust suppressants are
4 applied regularly to roads at the landfill. There are
5 limits to filing and excavation during high wind events.
6 Finally, South Coast Air Quality Management District
7 requires Sunshine Canyon to prepare and implement a dust
8 control plan. In addition, some of the Oak trees that
9 were referred to by Mr. Funk will be planted along the
10 berm to filter dust that may exist at the boundary of
11 the landfill.

12 In response to concerns raised by the
13 community and in conformance with the requirements in
14 City approvals, two air monitoring programs have been
15 conducted in the past two years at a total cost of a
16 quarter of a million dollars. The first program was a
17 year-long program to measure dust and diesel particulate
18 at the landfill berm and at Van Gough Elementary School.
19 This program was designed in conjunction with the
20 consultants hired by the City.

21 The program showed that the major source
22 of diesel particulates was from the highways and the
23 roadways, not a surprising conclusion in that area. It
24 also showed high dust events at the landfill berm did
25 not result in high dust concentration at the Van Gough

1 Elementary School.

2 In the second program, as described by
3 Dr. Stratton, four separate landfill events, sampling
4 events for landfill gas were conducted at the landfill
5 berm and at the Van Gough Elementary School. In
6 addition to the tracer chemicals mentioned by
7 Dr. Stratton, they were also monitoring for methane,
8 which is one of the major constituents of landfill gas.
9 These events were reported in the late spring and summer
10 when the potential for landfill gas release is at its
11 highest. No landfill gas was detected in either the
12 berm or the elementary school. Thus the study
13 demonstrates that the baseline air quality in the
14 neighborhood near the landfill is not being
15 significantly impacted by the landfill.

16 City approval conditions require ongoing
17 air quality studies at the landfill and at the
18 neighborhood elementary school.

19 On a slightly different note, I was asked
20 whether there was a wind tunnel that would threaten the
21 reservoirs by taking materials from the landfill and
22 dumping them into the reservoir. While there are strong
23 winds that pass over the ridgeline, these winds are not
24 directed from the landfill area to the reservoir.

25 Secondly, the monitoring program shows

1 that strong winds at the ridgeline slow and scatter in
2 the neighborhood. Finally, the reservoir is located
3 approximately two miles from the nearest landfilling
4 area at the Sunshine Canyon.

5 This sums up my discussion on air quality.

6 And now, to conclude, BFI's presentation,
7 I'll turn it over to Dave Edwards.

8 CHAIRPERSON CLOKE: Thank you.

9 MR. EDWARDS: I think we're going to make it.

10 Thank you, Shari. I would like to wrap up
11 our presentation.

12 Sunshine Canyon Landfill meets all
13 regulatory requirements Class III landfills. As
14 thoroughly discussed by Mr. Palmer and as proven at
15 Sunshine Canyon and other sites across the state, the
16 single composite liner as proposed in the joint
17 technical document is protective of groundwater within
18 Sunshine Canyon.

19 The need for a double liner or a modified
20 system as proposed by staff in the change sheets is not
21 warranted. There is no technical justification to
22 impose a liner system that could increase installation
23 cost by as much \$13 million for the development of the
24 City/County landfill.

25 Shown here is, as a brief summary of the

1 anticipated costs, additional costs associated with the
2 proposed liner system in the change sheets.

3 Sunshine Canyon Landfill is supported by
4 an FSEIR approved by the County of Los Angeles and an
5 SEIR approved by the City of Los Angeles with more than
6 60 public hearings held. In the most recent, L.A.
7 County countywide integrated waste management plan,
8 Sunshine Canyon Landfill has been identified as
9 necessary, as a necessary element of the County's plan
10 to meet its solid waste disposal needs. The loss of the
11 City contract would not affect the need for Sunshine
12 Canyon.

13 Sunshine Canyon Landfill does not present
14 a cancer or health risk to the surrounding communities.
15 Heightened claims in the cancer cluster is refuted by a
16 report prepared by Dr. Wendy Cozen, and claims that
17 airborne contaminants are affecting the neighborhood
18 have been refuted by the incessant air monitoring
19 recently completed.

20 The fact is the community has not been
21 impacted by the ground or surface water as clearly
22 stated by Dr. Stratton.

23 BFI has done everything required of them
24 as part of their approvals. We have provided the
25 appropriate mitigations and had continuously revisited

1 issues such as general health and cancer and were
2 thoroughly reviewed and approved by the appropriate
3 agencies. We respectively request approval of the
4 tentative WDRs as amended by the staff report with the
5 exception of requirement D3 for the alternative liner
6 design.

7 As in the July 24th meeting, we have team
8 members here who can answer any question that you may
9 have. We appreciate the opportunity to help resolve any
10 remaining issues the Board may have either now or
11 following other comments.

12 Thank you very much.

13 CHAIRPERSON CLOKE: Thank you, Mr. Edwards.

14 Mr. Blevins.

15 MR. BLEVINS: You took me by surprise. I had my
16 coat off, and to look formal and important, I will just
17 put my coat back on.

18 CHAIRPERSON CLOKE: You look formal with or
19 without it, Mr. Blevins.

20 MR. BLEVINS: Thank you, Board members for asking
21 me to come and testify relative to Sunshine Canyon
22 Landfill.

23 I've worked in the San Fernando Valley for
24 over 45 years. I've dealt with groundwater monitoring,
25 drilling of wells, evaluation of the whole basin. The

1 Sunshine Canyon Landfill -- I've been out there over 12
2 or more times and met with different people, evaluating
3 the geology, the hydrogeology and so on.

4 As Watermaster, I'm appointed by the
5 court, and I've been Watermaster for nearly 25 years.
6 My job dealing with all of this is to evaluate not only
7 the water supply available but potential water quality
8 issues as they come from time to time. Right now, since
9 for the past 15 years or more we've been dealing with
10 groundwater contamination in the major part of the
11 San Fernando basin dealing with volatile organic
12 compounds such as chromium and so on. Those are the
13 real water quality issues that we really need to deal
14 with.

15 For the past 31 years, I've taught at
16 U.S.C. I've taught at U.C.L.A., Loyola Marymount and so
17 on. And it sounds like I'm patting myself on the back,
18 and maybe I am. But it's just that I'm sharing with you
19 that I have expertise in the groundwater world.

20 In dealing with all of this -- I gave you
21 a handout that I've tried to keep to a page and a half
22 so maybe you would read it, and I threw in a few
23 handouts there that highlight the May '92 report. That
24 was my Watermaster report. I've filed over twenty-four
25 of these with the Los Angeles Superior Court. But I

1 worked with the with the Regional Board on a continuing
2 basis, going through all their files, reports, and so
3 on. I basically listed and evaluated all the different
4 landfills of the Valley. In the May 1st report, you'll
5 find the figure that shows all the landfills.

6 The Sunshine Canyon Landfill is way up to
7 the northwest in the hilly mountain areas in an area
8 that's heavily, you know, among very low permeability
9 formation in the bedrock, and it probably is the ideal
10 location for a landfill.

11 In my statement I made to you, we
12 basically looked at all this and found that in
13 evaluating and field-checking, working with the Regional
14 Board and other people, I met with the North Valley
15 Coalition group. I met with geologist in the area and
16 Dr. John Mann, who has now past on. But he was one of
17 the great groundwater geologist of all times, and he
18 felt that this was an ideal area for that.

19 On April 14th when we met with the Bureau
20 of Sanitation and -- let me put my glasses on. I stated
21 that the groundwater releases from the Sunshine Canyon
22 would basically not have any impact on the groundwater
23 basin. There are no drinking water wells for many
24 miles, over ten miles. It would take over a hundred
25 years for whatever came out of the groundwater, whether

1 it was contaminated or not -- over a hundred years to
2 reach the groundwater basin for the nearest wells.

3 In regard to all of this, then, it's my
4 view that the landfill permeability presents no kind of
5 threat to the groundwater basin of the San Fernando
6 Valley or to the water quality or groundwater that's
7 developed and utilized for the cities of Los Angeles,
8 Glendale and Burbank.

9 In my closing remarks, I would say it's my
10 strong belief that the Sunshine Canyon Landfill does not
11 provide any threat to groundwater within the
12 San Fernando Valley and from both a geologic and a
13 hydrogeologic perspective, it's one of the best
14 locations for a landfill.

15 Thank you.

16 Did I give you my full name and spell it
17 and stuff like that?

18 CHAIRPERSON CLOKE: Could you just spell your
19 name and also clarify who you are working for at the
20 present time, who are you representing.

21 MR. BLEVINS: You heard rumors from Dennis
22 Dickerson. But I've been Watermaster for nearly 25
23 years and worked in the Valley for 45. I've had in
24 training --

25 CHAIRPERSON CLOKE: Not your history, but who

1 you're working for today.

2 MR. BLEVINS: Well, I like to talk about my
3 history, but as of September 1st, I am the water -- I'm
4 the consultant to the Watermaster Office continuing on
5 there for another four or five years. The new
6 Watermaster is Mark Mackowski. That's highlighted in
7 all our literature now. But I represent the Watermaster
8 Office for the San Fernando Valley.

9 CHAIRPERSON CLOKE: So you're here as their
10 official representative?

11 MR. BLEVINS: Official representative.

12 CHAIRPERSON CLOKE: That's what we wanted to
13 know. Thank you.

14 MR. BLEVINS: My name is spelled Mel, you know
15 how to do that, like Mel Gibson. Blevins is
16 B-l-e-v-i-n-s. I've played the role of Mel Gibson.

17 CHAIRPERSON CLOKE: He should be so lucky. Thank
18 you.

19 Mr. Wolf, Mr. Roy wolf.

20 MR. WOLF: Thank you. My name is Roy wolf, and
21 I'm with the Metropolitan Water District of Southern
22 California, and I would like to read a brief statement
23 into the public record regarding this project.

24 "We're pleased to see that the
25 proposed landfill will have a composite

1 liner that appears to meet the
2 requirements of state and federal law with
3 leachate collection and recovery system
4 and the landfill gas collection and
5 control system. We also note that BFI has
6 proposed to install a cutoff wall in
7 addition to the existing extraction trench
8 in order to provide additional
9 environmental protection. These physical
10 protections should be incorporated in any
11 final Waste Discharge Requirements issued
12 by the Regional Board as well as such
13 monitoring and noticed requirements as are
14 deemed necessary by the Board to assure no
15 impact on the Metropolitan facilities."
16 Thank you.

17 CHAIRPERSON CLOKE: Thank you. Will you be
18 available for questions if we have them?

19 MR. WOLF: Yes, I will.

20 CHAIRPERSON CLOKE: Thank you.

21 Mr. Simonian. Did I say that right? Joe
22 Simonian. Is he still here?

23 MR. SIMONIAN: Yes, Madam Chair, Board members.
24 My name is Joel Simonian, and I represent American Waste
25 Industries, Inc. American Waste Industries is presently

1 one of the largest independent haulers in the city of
2 Los Angeles. We own and operate two recycling
3 facilities, construction and demolition facility, and
4 commercial commingled recycling facility. But more
5 importantly, we service 9,000 customers throughout the
6 Los Angeles area, most of which are multifamily
7 complexes.

8 We have a serious, serious issue today in
9 front of us with landfill capacity. Many times each day
10 the landfill closes early because it reaches capacity,
11 and our company, amongst other private haulers in the
12 L.A. market, scramble to dispose of the waste. In some
13 cases, refuse has accumulated or has been stored at
14 multifamily complexes.

15 We had one incident that I can state to
16 you now where a manager had contacted our office and was
17 complaining that the trash was traveling all the way up
18 the chute to the second floor because the bin had not
19 been emptied. The problem was the landfill had closed
20 by 9:30 in the morning and our dispatchers were trying
21 to reroute 35 trucks to the nearest transfer station.
22 In one instance, we sent a truck all the way from the
23 city of Van Nuys down to the Southgate transfer station
24 because it was the only transfer station with adequate
25 capacity that day to receive the truck.

1 Unfortunately, a transfer station is just
2 that; it's just a transfer station. It has to have a
3 place to transfer the trash to. And if the BFI/Sunshine
4 Canyon Landfill reaches capacity, regardless of whether
5 or not we take it to a transfer station, they'll turn
6 you away because they don't have anywhere to send the
7 trash to.

8 We urge you today to please take into
9 serious consideration the landfill capacity issues
10 currently facing Los Angeles. We have no other
11 landfills readily available to us today. The Puente
12 Hills landfill, owned and operated by the County, will
13 not accept L.A. City trash. Therefore, we need to have
14 adequate capacity for L.A. City businesses and
15 multi-family complexes.

16 Thank you.

17 CHAIRPERSON CLOKE: Thank you very much. Will
18 you also be here to answer questions?

19 MR. SIMONIAN: Yes.

20 CHAIRPERSON CLOKE: Thank you.

21 Ms. Wilson, please.

22 MS. WILSON: I'm just here to answer questions
23 if you have any questions about sewer issues.

24 CHAIRPERSON CLOKE: Thank you, Ms. Wilson. We
25 appreciate that.

1 Mr. Rothbart, is that the same for you?
2 No? You're not going to follow the lead of Ms. Wilson?

3 MR. ROTHBART: If you want me to.

4 CHAIRPERSON CLOKE: No. I'm just a -- I'm not
5 supposed to joke, but sometimes I do anyway.

6 MR. ROTHBART: Thank you for the opportunity to
7 provide comment related to the tentative Waste Discharge
8 Requirements for Sunshine Canyon Landfill. This is this
9 is the first time I've given testimony on this matter.
10 My name is David Rothbart. It's spelled
11 R-o-t-h-b-a-r-t.

12 I am the supervising civil engineer of the
13 Solid Waste Water Quality Group at the Los Angeles
14 County Sanitation District. Although, we only reviewed
15 the Regional Board staff report only yesterday, we wish
16 to specifically address the Sunshine Canyon Landfill
17 liner system.

18 First, I would like to summarize the
19 Sanitation District's experience with similar landfill
20 liner systems. Since 1994, the Sanitation District has
21 successfully designed and constructed twelve landfill
22 liner systems at three landfills that fully comply and,
23 in fact, exceed Title 27 requirements. These liners
24 have been constructed at canyon sites similar to the
25 Sunshine Canyon Landfill site.

1 Regional Board's main prescribed
2 engineered alternatives to accommodate regional and/or
3 site specific conditions.

4 Based on the staff report, an additional
5 two feet of clay is recommended for the Sunshine Canyon
6 Landfill liner and is included in the tentative Waste
7 Discharge Requirements. The staff report indicates that
8 the additional thickness will provide greater
9 reliability but provides no quantitative analysis of any
10 additional environmental protection.

11 Doubling the thickness of the clay liner
12 may not offer the equivalent level of protection of the
13 prescriptive standard. In fact, this change may produce
14 constructibility problems that could increase the risk
15 of defects in the liner. The prescriptive standards
16 have demonstrated their effectiveness in protecting
17 water quality at landfill sites throughout the state.

18 In the Sanitation District's extensive
19 experience with liners, the prescriptive standard for
20 clay liners are consistent with Title 27 performance
21 standards and have provided protection of groundwater at
22 all Sanitation District facilities and all the
23 facilities we have reviewed.

24 I thank you again for this opportunity to
25 address the members of the Regional Board and the Board

1 staff.

2 CHAIRPERSON CLOKE: Thank you.

3 Mr. Wayde Hunter, please.

4 MR. HUNTER: Madam Chair, members of the Board,
5 I'm not quite sure if I'm being called because I also
6 had two speaker cards in there, and one was to speak on
7 behalf of Congressman Brad Sherman.

8 CHAIRPERSON CLOKE: Do you have an official
9 letter from him?

10 MR. HUNTER: Yes, I do.

11 CHAIRPERSON CLOKE: Okay. I didn't know that.
12 Let's start with that, and I'll let you take your first
13 bite of the apple being the representative from the
14 Congressman's office.

15 MR. HUNTER: Thank you very much.

16 Madam chair, members of the Board,
17 congressman Brad Sherman and his staff have brought and
18 have asked if I would read a letter from the Congressman
19 into the record.

20 "Statement of Congressman Sherman:
21 Los Angeles Regional Water Quality Control
22 Board, public hearing on Sunshine Canyon
23 Landfill. As you may recall, I wrote to
24 the Regional Board in early July during
25 the first public comment hearing on the

1 Waste Discharge Requirements for Sunshine
2 Canyon Landfill. I strongly object to any
3 action that would allow for the expansion
4 of the landfill by Browning Ferris
5 Industries as well as risk the possibility
6 of improper waste discharge to groundwater
7 sources. I wish to echo those sentiments
8 to you today.

9 "I've heard the concerns of the
10 community with respect to the adverse
11 impacts this landfill poses to their
12 health and quality of life. There
13 continues to be overwhelming opposition to
14 any action that would allow for the
15 expansion of the Sunshine Canyon Landfill.

16 "I'm hopeful you will take into
17 account and consider the concerns and
18 interests of local residents as well as
19 the clients you will hear from today,
20 those who represent the City of
21 Los Angeles and the State of California.

22 "The impact on the environment and
23 water quality depend on your commitment to
24 ensure the Sunshine Canyon Landfill does
25 not continue to pose a threat to local

1 communities and the Los Angeles County
2 water source. I look forward to your
3 important decision.

4 "Brad Sherman."

5 CHAIRPERSON CLOKE: Thank you. And will you give
6 a copy of that to Ms. Harris, please.

7 Now, do you have another hat to wear?

8 MR. HUNTER: Yes, ma'am.

9 Madam Chair, members of the Board, my name
10 is Wayde Hunter, and I'm president of the North Valley
11 Coalition.

12 I would ask maybe a little leeway for me
13 today regarding the time constraints. According to your
14 people, we had quite a few people that had to leave, and
15 I would ask maybe if you could just give us a little
16 time because we are addressing a lot of new issues: The
17 staff report, which we only received Monday of this
18 week; plus we've seen the BFI presentation; plus we
19 heard from a number of experts. And we would like to
20 address some of those issues because this is, it looks
21 like, our only time to make our opinion known to you
22 regarding this new information.

23 CHAIRPERSON CLOKE: How much time do you think
24 you need?

25 MR. HUNTER: I will try to limit it to three,

1 maybe four at the most.

2 CHAIRPERSON CLOKE: Minutes.

3 MR. HUNTER: Thank you.

4 I do have about fifteen people that sent
5 e-mails to us because they couldn't attend the
6 proceedings, and they basically all feel the same way.
7 They oppose the approval of the WDRs. They are
8 concerned about the water; they are concerned about
9 their safety and the air we breath and the cancer
10 problems they have. So I would like to submit those to
11 the Board.

12 For my part, this is kind of off-the-cuff,
13 but in listening to a couple of the doctors testify
14 about how people would get problems from this particular
15 landfill -- and I apologize I did not have an instant
16 to -- I had to be carrying these around in my briefcase
17 and, God, what kind of life is that when you carry
18 around pictures of dust and trash, you know, in your
19 briefcase.

20 But I want the Board to look at these
21 things. And these were taken in 1989, and you can see
22 the dust and things that blow over the houses. As a
23 matter of fact, I can see it from 10.2 miles away. And
24 when I called Sanitation, they said it's not our
25 problem; it's A.Q.M.D. And when I called A.Q.M.D., they

1 said it's not our problem, call Sanitation. And so it
2 went. And so you can see why people are very
3 distressed.

4 I would like to ask if you could just pass
5 these around. Again, just showing you the dust and
6 things in the area and the trash that we experience.
7 Okay. Now, I'm ready to go.

8 We did get the report and Item 1, discuss
9 possible health impacts of the landfill. That was from
10 the staff report. And Dr. Wendy Cozen's September 2003
11 report in it, we reviewed this.

12 And I would just like to say that, you
13 know, a local doctor conducted a study in our area, and
14 he found that we were suffering twice the national
15 average of upper respiratory distress. Interestingly,
16 he died of cancer. But hey, you know, I guess listening
17 to the prior testimony, we all should want to live next
18 to a landfill because according to BFI, everything is
19 wonderful.

20 I defy you to find any study out there
21 that says that living next to a landfill improves your
22 property values and improves your health. There isn't
23 one. I challenge you to find one.

24 But, anyway, in Dr. Cozen's study, she
25 references Census Tract 106601, or 106500 for the

1 adjacent tract. And I'm really confused because I went
2 and looked at the Census Bureau to look at these tracts.
3 And according to the landfill and the houses that we
4 live in, we belong to Census Tract 106603.

5 There's an adjoining census tract right
6 next to the landfill, which is 10610. And we believe it
7 was not included basically because she states there were
8 too few African-American, Asians or Latinos to include
9 in the analysis separately; and the adjoining tract is
10 also 47 percent Latino. You know, a really minority
11 group here, and they seem to have been forgotten,
12 Apparently, they just don't make quite as much noise as
13 the rest of us, but I'm sure they are suffering in the
14 health impacts the same as we do.

15 Also, I would like to talk very quickly
16 about the wetlands issues. You know, up to
17 9.18 acres -- and, again, when you're looking at these
18 individual things for the City, you're looking
19 at 3 acres here, 3 acres there. What we're talking
20 about is we're already up to 9.18 acres. We don't even
21 know if this includes the emergency repairs that BFI did
22 because they took out some wetlands there plus, as they
23 said, they didn't even account for the loss of the
24 wetlands in the City.

25 So, obviously, we're being impacted by

1 this. And had BFI applied for all 11 acres that they
2 did originally in the 250 million-ton landfill, that the
3 EIR was done on in 1987 -- say, we would be looking
4 at 11 acres. And they would have to have had a 401, 402
5 permit then. But they didn't they split it out. And
6 what they ended up with is -- they went with a
7 nationwide permit because they were able to reduce it
8 and just look at that landfill portion. They didn't
9 look at what the whole project was. And again now,
10 here's the City taking some more wetlands.

11 Restoration projects in other areas --
12 Pasadena, Chastworth, I don't care -- based on a
13 no-net-loss policy by the court does nothing, nothing to
14 mitigate the loss and the impact of the communities
15 around the landfill. No matter how you slice it, we're
16 losing flora and fauna to far away neighbors, and it
17 will detrimentally impact our environment while giving
18 nothing to us in return.

19 I'm going to skip a little to show how
20 well I'll try to stick to my time.

21 Again, the cumulative impact of the entire
22 project is what you asked for, and what they came back
23 with was not the answer.

24 I'm telling you now: The entire
25 contemplated project is 215 million tons in three phases

1 that was subject of a 1987 EIR. Phase 1 was the County;
2 Phase 2 was the City, and Phase 3 was the County again.
3 It's not just Phase 1 then the County we're talking
4 about, and then Phase 2 and the City. That's what
5 you're looking at -- and you're not even looking at
6 that. You're looking at Phase 2 of the City. And even
7 the City is being divided into a couple of phases
8 because you're looking at Phase 1 of Unit 2. So, again,
9 they did not come back with the right answer. The whole
10 project is 215 million tons.

11 And when they say that there's no logic.
12 Sorry -- that there's no logic. That there's no
13 requirement in the tentative WDRs and the M&RP is less
14 stringent than what would be in a permit that would
15 cover the entire contemplated project, that doesn't
16 really address the real issue.

17 The entire project as proposed,
18 215 million tons, could not and would not have been
19 approved because the impacts could not be mitigated.
20 Indeed, the combined first two phases of the County and
21 the City projects would not have been approved. While
22 the cumulative impacts may have been contemplated in the
23 215 million-ton proposal, it was never approved. The
24 County reviewed only a million-ton proposal and
25 6,600 tons per day, stating that it was done to reduce

1 the impacts which could not be mitigated if considered
2 as a whole. The impacts of even this phase were reduced
3 by conducting the traffic impacts caused by the long
4 haul city landfills.

5 So you see, we didn't see the cumulative
6 impacts. We saw a reduced number. And now, that you're
7 considering the City and its impacts, you're not
8 considering the cumulative impact of the County which
9 will have a combined total of 12,100 tons per day.

10 Almost done. Under Item 9, the final
11 closure. You have a statement there that you thought
12 should be added related to the construction of the liner
13 system. We concur with that.

14 The only suggestion we're making is that
15 you add the word "all" to read: Construction of the
16 liner system that will be located on the slopes of the
17 existing landfill shall not be started until, quote,
18 "all" the final close of construction activity on the
19 existing landfill is complete.

20 Skipping over -- I'm down to my last
21 point, and I thank you very much for giving me this
22 extra time.

23 We talk about the upgrade of proposed
24 landfill liner system, which is Item 14 on the staff's
25 report. While the public agrees that increasing the

1 clay layer from two to four feet and the liner from 60
2 "mil" to 80 "mil" is an improvement, it still doesn't
3 agree that, given the proximity of the water storage and
4 the treatment facilities, that this improvement will
5 ensure that no contamination will ever get out.

6 The public is adamantly opposed to the
7 approval of the WDR. But if the Board considers it, the
8 liner should be at the very, very least a double
9 synthetic liner that meets Class I hazardous landfill
10 waste standards.

11 As Dr. Fred Lee states, quote:

12 "It is obviously -- it is obviously
13 from a simple level of calculation, a
14 chemical characterization and aquatic
15 chemistry of municipal landfill leachate
16 components, that a minimum designed liner
17 will leave breach for a leachate in a few
18 months. The inadequacy of that type of
19 liner to prevent groundwater pollution by
20 a municipal landfill leachate has been
21 known in the technical field for many
22 years."

23 And I just quote one other landfill thing
24 I think you'll find this very pertinent.

25 "The problem with landfill

1 applicants" --

2 And this is Dr. Lee, a professional okay,
3 a noted man in his field.

4 "The problem with landfill applicants
5 and their consultants failing to provide
6 adequate and reliable information on the
7 ability of the proposed landfill
8 groundwater monitoring system to comply
9 with regulatory requirements is part of a
10 significant problem that exists today in
11 the regulation/provision of landfills.
12 Typically, landfill applicants and their
13 consultants follow the approach of doing
14 the least in order to get the landfill
15 permit."

16 And William Jones discussed that:

17 "Significant and well known problems
18 exist today where landfill applicants and
19 their consultants fail to provide full
20 disclosure of the potential problems
21 associated with a proposed landfill in
22 protecting public health, groundwater
23 resources, the environment and the
24 interest of those within the sphere of
25 influence of the landfill for as long as

1 the waste in the landfill will be a
2 threat."

3 And I did truncate it, but I would like to
4 submit the entire thing including the pictures.

5 CHAIRPERSON CLOKE: Thank you, sir.

6 Ms. Mann? Ms. Mann, are you still here?
7 Sherry Mann.

8 PERSON IN AUDIENCE: She left.

9 CHAIRPERSON CLOKE: How about Mrs. Edwards is she
10 still here? Mary Edwards.

11 MS. EDWARDS: Hello, my name is Mary Edwards.
12 I've been doing this for so many years. I'm on the
13 verge of tears because this is our last hearing, our
14 very last chance, and it's not because we're making
15 things up.

16 My field is not professional, but it was
17 ethics; that's what I graduated from school in. And
18 I've been so disillusioned with the process. Nothing is
19 in anyone's purview ever, particularly the health and
20 safety of our community.

21 And I know, from a logical standpoint,
22 that possibly you can't trace the cancer to different
23 points. Tell that to my neighbor who is 45 and died and
24 the other one who was 50 and died and the two that live
25 behind me. Tell that to my two children who moved out

1 of the area and would never ever be counted in any of
2 these surveys because they don't live and were not
3 diagnosed in the area. But now, we're on the second
4 generation. Marion, her children have cancer. This is
5 not right. And besides that, I've seen too many.
6 I've -- I've held too many hands of the dying, and I've
7 seen too many people that were sick. And what you are
8 considering today is not just what's happened in the
9 County landfill, and the baseline studies that they're
10 doing, which they are doing to find out what was going
11 to happen when it comes back -- because it's coming
12 back. It is much better when you're a mile and a
13 quarter away from the County. But when it comes back
14 is what you're approving today.

15 It's coming back towards the community.
16 And the baseline study was to decide what will happen
17 next. And I think that the young woman misspoke when
18 she said it was below a level of significance. That was
19 not the truth.

20 The EIR says that the one area above the
21 level of significance was the air quality. And they had
22 to do overriding considerations of the trash crisis in
23 order to prove that there was -- in order to prove there
24 was a trash crisis in order to say that, okay, it's okay
25 to pollute your air more. But they did find that.

1 You know what, I'm going on a little long.
2 As they said, we have very few people here today. Many
3 are discouraged and disillusioned with the process
4 they've seen.

5 We do not believe at this particular
6 point, there is a real need for the expansion at this
7 time because, if you look at the statistics that we
8 turned in, BFI in the County has only used half of its
9 capacity. And I think they don't close at the end of
10 the day; they close at the end of the working day. I'm
11 sure they must have to call some of their haulers and go
12 somewhere else. But according to the inspector, they
13 stay open every day to the end of the day for trash.

14 And also if you look at the statistics,
15 they didn't exceed their amounts at any single time in
16 the last two years according to the biannual report.
17 They never met the 6,600 a day. So really there isn't
18 that need.

19 We want the City of L.A. to go into the
20 process of having things MRF'd first, which the material
21 that would be coming in would go the recycling before it
22 would go to these landfills. And we really are pushing
23 on this, from being on the MRFs, committee, I know it's
24 one of the things we want to have happen is to have it
25 go to a materials recovery facility.

1 Is it okay?

2 CHAIRPERSON CLOKE: I -- I appreciate your
3 coming. I know you've been here before, and so I think
4 we understand your point of view.

5 MS. EDWARDS: Well, there is an awful lot about
6 cumulative impact that I want to talk to you about. It
7 was in the staff report, and I know that incremental
8 approvals and all these other things that are really
9 important and this is --

10 This is our last hearing for heaven's
11 sake.

12 CHAIRPERSON CLOKE: I hope you were here when I
13 said that we read all the transcripts and everything
14 from the first hearing. We heard you. Everybody else
15 has kept to their agreed upon time limits. I need you
16 to do it, too. I gave Mr. Hunter some extra time
17 because he said people had gone home, but otherwise I
18 made everybody --

19 MS. EDWARDS: I think that's a tragedy.

20 CHAIRPERSON CLOKE: Mrs. Iverson.

21 MS. EDWARDS: The final tragedy you people hold
22 in your hands. The water of this community --

23 CHAIRPERSON CLOKE: Mrs. Edwards, please we have
24 heard everybody.

25 Mrs. Iverson.

1 PERSON IN AUDIENCE: She went home.

2 MS. EDWARDS: I'll go home and tell this to my

3 dying children.

4 CHAIRPERSON CLOKE: Mrs. Elliott, please.

5 PERSON IN AUDIENCE: She left.

6 CHAIRPERSON CLOKE: Ms. Kienholz.

7 MS. KIENHOLZ: Well, my name is MaryAnna

8 Kienholz. I live between Van Gough Street School and

9 the dump. And I just -- there was a couple things said

10 today that I would like to talk about.

11 One of the things said was that there is

12 no health risk if BFI complies with the proposed

13 recommendations. And I've been there a long time and I

14 have not noticed that they comply with recommendations.

15 In 1999 there was a meeting, and they were told things

16 that they should comply with. They did not; they have

17 been fined.

18 The other thing that I like to speak on is

19 the leachate. It was said that the sewers can handle

20 whatever comes from the landfill. Well, some of that

21 that comes into the sewers has come up into my home.

22 And it is not just a bad smell; it is an odor that you

23 can't breathe. It is an odor that hurts when you try to

24 breathe. And it comes up in my showers, and it comes up

25 in my sink.

1 Now, I have made many calls to the
2 A.Q.M.D. Now, they have come out and they have smelled
3 it. They have told me that it came from the dump. And
4 I also have asthma, and my doctor told me that it is
5 because of the environment and that I should sell my
6 house and not live near a landfill.

7 It's just beyond my comprehension that we
8 would he have this kind of thing running underneath our
9 homes. I have seen city workers, three trucks out at
10 different times. I was told -- I went out and asked
11 what they were doing. It was a Sunday at ten o'clock.
12 And I was told that they were doing maintenance. And I
13 just couldn't believe that they would have to do, you
14 know, regular maintenance on a Sunday. And then another
15 truck came and was doing the same thing. Finally, one
16 of the trucks said city engineers, and I asked them what
17 they were doing. And they said they were checking the
18 flow of the sewer.

19 Now, I don't know if that's what has been
20 ordered, but I tried to call Sanitation about it and
21 their phones were not working. So we really need
22 answers, and I really would like to know if I still have
23 to live on top of all of that stuff that goes through my
24 sewer from the dump.

25 Thank you very much.

1 CHAIRPERSON CLOKE: Thank you, Mrs. Kienholz.

2 Ms. Crosby, are you still here?

3 Mary Ellen Crosby?

4 MS. CROSBY: I'm the third Mary. I'm Mary Ellen
5 Crosby, and Mary Edwards hit on some of the things I
6 wanted to bring up. But I just have a couple of things
7 here that I would like to bring up.

8 For one thing, the Board was given
9 statistics that in their biannual report on May of 2003,
10 that said that the average daily flow of traffic that
11 was brought into to the dump -- I mean the landfill was
12 5,387 tons. And then in 2002, there was dumped 5,798.
13 But they were allowed six hundred and six thousand
14 (sic). Nowhere did they come near that.

15 Then your staff was given information by
16 BFI and by one of the gentleman that spoke a little
17 while ago, saying that the dump was closed. Well,
18 according to your report, on the staff report, page 6,
19 item 11, it states that the dump closed early every day.
20 But we contacted the county inspectors, and they came up
21 with a entirely different report than what's stated by
22 these people. They said they remained open every day
23 until closing time. So I think somebody should check in
24 to the two reports because that's quite a discrepancy.

25 Then there's another thing I'd like to

1 bring up. The biannual report of this year tracks that
2 the waste deposited up to 2002 showed that eight
3 thousand -- eight million two thousand six hundred and
4 sixty -- well, anyway -- of trash was permitted and the
5 capacity is sixteen million nine hundred and
6 something-thousand.

7 Well, I don't have the letters behind my
8 name and I only went to high school and one year of
9 college. But when I went to school, when you subtract
10 eight million from sixteen million, that's
11 eight million tons of difference. And if they still
12 have eight million tons in a six-year period that they
13 can still dump in there, why do they have to re-open
14 another area.

15 That to me shows they have
16 eight million tons that they can still dump in the
17 County. Why do they have to go into the City? That's a
18 big question, and I think that's something that should
19 be addressed.

20 And another thing I'm going to bring up --
21 and I'm probably going over my time. They are going to
22 take out the wetlands and move it ten to twelve miles
23 from us, and we're going to lose all these trees.

24 Well, I'm real involved with the parks in
25 our neighborhood. If they are going to get rid of all

1 the trees, I sure in the heck would like to have at
2 least twenty 15-gallon Oak trees moved to Bee Canyon
3 Park because we're enlarging on Bee Canyon, and there
4 wasn't enough money to be able to put in the rest of the
5 trees.

6 So if they are going to take all the trees
7 away from us up there, bring them down to where the
8 neighborhood is.

9 One more comment to make, then I'll shut
10 up. My son was one of those cancers. And three weeks
11 ago Granada Hills and Kennedy High School had a class
12 reunion. Most of the students there were between 30 and
13 45 years old, and even the students were saying:
14 Where's so and so? He's not with us anymore. Where's
15 this one? He's not with us anymore.

16 In that 30 to 45-year age group, there's a
17 tremendous amount of cancer and most of these -- I call
18 them "kids" but they're our children, were born or lived
19 in this neighborhood for over 25 years. None of them
20 live at home with mommy anymore. They're mostly all
21 married, have children of their own, and have moved on.
22 And nowhere in the records that you've been presented,
23 in any of the records that show are any of these
24 children or students, whatever you want to call them,
25 shown because they've all moved out of the area. But

1 they did live in the area for over 20 years.

2 And these records and these tests and all
3 this stuff that you've done, nowhere shows in that age
4 group these people that were treated or have died from
5 cancer who no longer live in our area.

6 Thank you for letting me go over. I'll
7 pass this in.

8 CHAIRPERSON CLOKE: Thank you.

9 Is Ms. Thompson still here? Are you
10 Ms. Thompson?

11 MR. BLEVINS: No, ma'am. Mrs. Edwards was very
12 distraught, and she was supposed to turn in some
13 documents to you. And I wonder if I might be able to do
14 that on her behalf?

15 CHAIRPERSON CLOKE: Is it the same thing she
16 spoke to?

17 MR. BLEVINS: She didn't have the chance to
18 address these two issues. She spoke to you on health
19 and on the closing, some things that the North Valley
20 Coalition would have liked if you chose to approve, this
21 is some things we would have liked to have had. Like I
22 said, she kind of lost it and walked out. So if I may
23 at least --

24 CHAIRPERSON CLOKE: I -- I -- I'm sorry about
25 this, but I cannot accept things into the record that we

1 don't hear ourselves or that haven't been submitted to
2 us in enough time for us to read them. Because then
3 something becomes part of the record that we've made our
4 decision on that we've never seen and that's not
5 appropriate.

6 MR. BLEVINS: I understand. That's why she was
7 attempting to try to get the additional information in
8 to you so that you would hear it, and we only got
9 staff's report --

10 CHAIRPERSON CLOKE: Sir, I really can't accept a
11 late submittal. There will be plenty of questions. You
12 may find an opportunity to bring some of that material
13 in, in the questions.

14 MR. BLEVINS: Yes. Well, if not, we would
15 obviously like you to continue it so we have more
16 opportunity to comment.

17 Thank you.

18 CHAIRPERSON CLOKE: Is Ms. Thompson still here?
19 You are our last speaker. You have that distinction.

20 MS. THOMPSON: And I was going to read a letter
21 into the record, but there are a couple things I really
22 do have to address that they said.

23 And one of them is Dr. Cozen's letters in
24 '99, they pulled out pieces that were good for them.
25 When she said there was no evidence of cancer clusters.

1 She also said:

2 "This does not completely rule out the
3 possibility of a cause of cancer might be
4 caused by environmental emissions, but
5 such an occurrence would not be detectible
6 except in extreme circumstance."

7 She further writes:

8 "When there's a concern about possible
9 health risks, it's preferable to base
10 decisions on measurement of potentially
11 harmful emissions."

12 They left that part out.

13 And Dr. Papanek, they were also quoting
14 from him. He had a quote there at the end of his letter
15 that said:

16 "Our public health goal overall should
17 be to keep airborne concentrations of
18 landfill derived pollutants as reasonably
19 close to background ambient levels as
20 possible."

21 Also, we were told by the way at Van Gough
22 that they were only being monitored for diesel, not
23 landfill gases. So I wanted to say that, and I'll read
24 this letter:

25 "The City of Los Angeles has presented

1 its plan to stop taking trash to Sunshine
2 Canyon in three years. The City is also
3 committed to a Joint Powers Program with
4 the City -- with the County to site MRF
5 transfer facilities citywide and a long
6 haul residual waste to the County's fully
7 permitted disposal sites.

8 "Further, the state auditors
9 identified a glut of landfill capacity
10 within the state." That was in the year
11 2000 by Antonio Viaraigosa.

12 "Additionally, hundreds of MRF's exist
13 locally that are anxious for part of the
14 waste stream but are precluded from
15 significant tonnage and reuse of valuable
16 resources by large landfills like Sunshine
17 Canyon who's price is low in the short
18 term and who's real cost will be borne by
19 future generations.

20 "There are many new technologies being
21 put forward that convert trash to usable
22 products. These are closed systems that
23 do not cause the environmental damage of
24 incineration. These hold great promise,
25 but if the cheaper more damaging landfills

1 continue to be permitted, the safer and
2 less damaging alternatives cannot compete.

3 "The City has retained a consultant to
4 evaluate these technologies, with the
5 intent of selecting and going forward with
6 one or more.

7 "The staff report states" in item
8 No. 10 I believe "that they believe BFI
9 will support the concept of trash
10 reduction in the City of Los Angeles.
11 Nothing could be further from the truth.

12 "The North Valley Coalition and the
13 recyclers, small haulers, have requested
14 that the new franchise fee levied by the
15 City be imposed only on haulers whose
16 waste has not been recycled before it was
17 dumped in a landfill. This fee, we had
18 hoped, would encourage recycling and go
19 toward creating an economic incentive to
20 recycle.

21 "BFI successfully lobbied against this
22 concept.

23 "This situation at the landfill has
24 turned into a very political matter over
25 the years.

1 "I believe it speaks volumes when
2 hundreds of community residents come to
3 the hearing and all the elected in
4 attendance who spoke in the community's
5 favor were the Mayor, the City Attorney,
6 the Congressman, the City Councilman, the
7 Assemblyman; and BFI had the chamber of
8 commerce on their side and VICA (ph). And
9 one piece of stationery that had a picture
10 of a former assemblyman who came from out
11 of some district to speak in favor of the
12 expansion back in '99 and has since left
13 due to term limits. He was the only
14 elected official to come out and testify
15 on behalf of the expansion back then also.
16 BFI had only paid consultants, lobbyists
17 and employees." Thanks.

18 CHAIRPERSON CLOKE: Thank you very much.

19 That concludes our public testimony.

20 I would just like to announce that
21 Mr. Michael Bledsoe, who is the staff council for the
22 California Integrated Waste Management Board, is present
23 and has told us that he would be available if there were
24 Board questions. I want all the Board members to be
25 available for that.

1 At this time we're going take a ten-minute
2 break, and that means we'll be back at four o'clock or a
3 little before four for deliberations on the question and
4 deliberations on this matter.

5 Thank you.

6 (At 3:46 p.m., a break was taken in the
7 proceedings.)

8 CHAIRPERSON CLOKE: Ladies and gentlemen, we're
9 back in session. We're going to spend the first few
10 minutes here asking questions and getting clarification,
11 and then we will close the public portion of this
12 hearing, and the matter will be before the Board for its
13 deliberation and action.

14 So the first person we would like to ask
15 questions of is you, Mr. Dickerson.

16 Mr. Nahai, will you start, please.

17 MR. NAHAI: I would be happy to.

18 MR. DICKERSON: I'll just note that Rod Nelson
19 and Wen Yang are the staff who have been most involved
20 in this and have much of the technical information and
21 will help me respond to questions.

22 MR. NAHAI: I'm going to pose a couple of
23 questions, and then later on I might come back to you
24 with a couple more as we go through.

25 My first question, though, has to do with

1 the FSEIR. And looking at that, I think that the data
2 in the FSEIR, the actual work was completed in June of
3 1998, and then but it was certified in 1999. Is that
4 correct?

5 MR. YANG: Yes, I believe so.

6 MR. NAHAI: At the time that document was
7 processed and completed and certified, at that time
8 Dioxane certainly hadn't been discovered at the
9 landfill; is that correct?

10 MR. DICKERSON: I think that's correct.

11 MR. YANG: 1,4-Dioxane was not required until
12 recently.

13 MR. NAHAI: I didn't ask whether it was required;
14 I asked whether it was discovered at the time that
15 document was processed.

16 MR. DICKERSON: It was just recently identified.

17 MR. NAHAI: And VOC contamination, had that been
18 discovered and noted at the time that the FSEIR was
19 prepared?

20 MR. YANG: Yes. As I remember, it's more than
21 ten years since the VOC

22 MR. NAHAI: Since the VOC?

23 MR. YANG: Yes.

24 MR. NAHAI: With respect to when BFI decides to
25 process the County Side of the permit, what kind of

1 permits are they going to need from the County? Will
2 they need a special conditional use permit?

3 MR. NELSON: They currently are permitted to
4 operate where they are. I believe there is -- they need
5 approval to go in the area that they refer to as the
6 "bridge area" between the City/County line and the
7 existing kind of the southeast section of the County
8 that's currently accepting waste.

9 MR. NAHAI: Will there need to be agreements
10 between the City and the County? I saw a reference in
11 the materials to revenue-sharing agreements and
12 operational agreements between the two jurisdictions.

13 MR. NELSON: Well, I would rather not comment on
14 that. I don't think I am qualified to comment on that.
15 I know that in order to utilize that space, remaining
16 space in the County, they would have to have some kind
17 of agreement with the City just because of the stability
18 issues.

19 MR. NAHAI: Next question regarding there was in
20 the materials reference that 3.3 million dollars is
21 going to be provided to the City for recycling purposes
22 and so on. But -- correct me if I'm wrong on
23 this though -- as I see it, though, that 3.3 million, as
24 I see it, is a franchise fee that's paid to the City and
25 it's predicated on the amount of trash that the City is

1 hauling to the landfill.

2 If you don't know, say "I don't know," and
3 I'll pose the question to staff.

4 MR. NELSON: I'm afraid I can't comment on that.

5 MR. NAHAI: All right. I'll stop there, and then
6 I may have some questions for you later on. For now
7 I'll defer.

8 CHAIRPERSON CLOKE: Are there more questions from
9 staff?

10 Mr. Shaheen.

11 MR. SHEEHAN: Just on the earthquake question, I
12 think Dennis, when you went through it, you said it was
13 under review by the D.W.R. I guess that was the
14 question. Did I understand that correctly? Is there a
15 timeline?

16 MR. DICKERSON: It's my understanding that it is
17 in discussion between BFI and the Department of Water
18 Resources on the seismic issue. I personally don't have
19 any more detail than that.

20 Rod, do you have anything further?

21 MR. NELSON: BFI and D.W.R. met about a month
22 ago. They've had meetings for the last several months,
23 and they are continuing to work out the remaining
24 issues.

25 MR. SHEEHAN: So there's a formal review of --

1 MR. NELSON: Most definitely, yes.

2 MR. SHEEHAN: Is there a timeline on that.

3 MR. NELSON: There's no timeline I'm aware of.

4 BFI would like to get it resolved, but D.W.R. does not
5 have a timeline.

6 MR. LAUFFER: If I just could interject,
7 Mr. Shaheen, to clarify, there's some possibility for
8 confusion on the overlap between the D.W.R. and their
9 review of it.

10 In the Waste Discharge Requirements, as in
11 all Waste Discharge Requirements, there's prescriptive
12 standards that are established for the maximum in this
13 case because of our policy within our region, the
14 maximum credible earthquake that would be sustained or
15 that the landfill would have to be able to sustain that.

16 So, essentially, what BFI and the
17 Department of Water Resources are in the process of
18 doing now is going through essentially engineering that
19 would be associated with that maximum credible
20 earthquake.

21 Is that a fair characterization.

22 So it's not something that's normally
23 required before the WDRs are issued. The WDRs set the
24 prescriptive requirement. In our case, the maximum
25 credible earthquake. Then the discharger works with the

1 Department of Water Resource to engineer what it takes
2 to sustain that maximum credible earthquake.

3 MR. SHEEHAN: Thank you.

4 MS. DIAMOND: I have a couple of questions.

5 Back to the issue of Dioxane. We've heard
6 a lot of information. Some of the information about it
7 is we know it's been detected and everybody has agreed
8 to that in both the County and the City monitoring the
9 wells. It's been released on the City Side landfill to
10 groundwater. That's been in the record, and that it
11 does not biodegrade very easily. And, in fact, one
12 letter that we got from City Councilman Smith, said --
13 claims that a clay based liner of only four feet, as
14 proposed in our change sheet, is not sufficient to keep
15 it from the water table. And I wondered if you could
16 respond to that statement.

17 MR. NELSON: 1,4-Dioxane was not detected in any
18 County groundwater monitoring wells. It was detected in
19 the leachate, but not in the groundwater. It was
20 detected in three groundwater monitoring wells for the
21 underlying City portion of the landfill. The travel
22 time of 1,4-Dioxane through the clay -- I haven't looked
23 specifically at it, but I'm sure the City has the right
24 numbers.

25 But the liner system for the County --

1 excuse me -- for the City, and the County, for that
2 matter, is a composite liner system and the biggest
3 detriment to flow-through of any landfill liquids is
4 really the plastic synthetic part of it. That is very
5 impermeable. That has to be designed for the
6 anticipated constituents in the leachate to be
7 compatible. So that it will not be degraded if it comes
8 in contact with it.

9 So the 80-thousandths of a inch thick
10 plastic liner is really the major impediment to
11 flow-through.

12 MS. DIAMOND: Have you any idea, since I think I
13 also read in this massive record, that all landfills at
14 some point leak or have, and how long would it take
15 Dioxane to leak?

16 Are there any scientific studies that
17 would tell us the travel, the path of travel and how
18 long it takes for Dioxane to leak?

19 MR. NELSON: Well, the statement "all liners
20 leak" was made by E.P.A. But it is kind of a
21 philosophical statement. The same agency that made that
22 statement also designed and wrote the landfill
23 regulations for municipal solid waste landfills.

24 It's primarily a matter of what is
25 determined to be a leak. In order to have a leak

1 through a liner, you have to have liquid on top of it.
2 And one of the requirements of the liner system is that
3 you have a slope to the liner so the stuff, the leachate
4 will migrate away and not stand on top of the liner and
5 go to a sump which is, in this case, has twice the liner
6 system.

7 The State Water Resources Board has said
8 in the past that liners do leak; liner systems do
9 control leakage. But, again, it is more philosophical
10 issue. Do all liners leak? I suppose at some point
11 they would. We don't have any indication yet of any of
12 our new lined landfills that have been built to the --

13 MS. DIAMOND: So basically, I don't want -- you
14 can't give me an answer to how fast, or do we have any
15 scientific information about how fast Dioxane travels?

16 MR. NELSON: Through a liner or through
17 groundwater?

18 MS. DIAMOND: Yes.

19 MR. NELSON: No. I'm afraid not.

20 MS. DIAMOND: One other question for staff that I
21 have and that has to do with the issue of wetlands
22 mitigation.

23 Have staff looked into the possibility of
24 mitigating the wetlands in the area of the community
25 that will be losing the wetlands, that is, the area that

1 is going to be directly affected rather than the
2 Chatsworth reservoir, which is another watershed?

3 MR. DICKERSON: I think that has been discussed,
4 and I'll ask Raymond Jay to come up to help me out on
5 that. Raymond Jay heads up our wetland group and
6 manages the 401 certification program.

7 MR. JAY: I think the response is that we haven't
8 fully approved the plan. Normally, we like all the
9 mitigation to occur in one place. If the Board
10 recommended that we keep part of it locally, we could
11 ask the Applicant to look for something locally for a
12 smaller portion of the mitigation and make the major
13 portion of the mitigation occur in another -- in the
14 Chatsworth reservoir.

15 MS. DIAMOND: So this is the policy that the
16 Board can determine?

17 MR. JAY: Correct.

18 MS. DIAMOND: That's all I have now.

19 CHAIRPERSON CLOKE: Stay up there for a minute.

20 I'm going to follow-up, first, on the
21 science question on the wetlands mitigation. And also
22 I'm looking at a map that came -- can you see which one
23 it is? It's figure 4.4-1 for the record.

24 This is a map that I believe BFI submitted
25 to us, showing the existing vegetation community.

1 When you say that there's going to be
2 wetlands mitigation, I understand that. But I see here
3 a great many plant types that are native to California
4 but are not necessarily part of a wetlands ecology.

5 Are these also mitigated in the 401 action
6 or some other action?

7 MR. JAY: Normally, what we would do is we'd ask
8 them to mitigate for a similar habitat that's being
9 impacted. If what's being impacted is not native
10 vegetation, we had asked them to mitigate a higher
11 percentage of native habitat in the mitigation site.

12 MR. DICKERSON: I think, if I can restate the
13 question. The question has to do with whether or not
14 there are provisions to address mitigation of areas that
15 are not wetlands, that are other kinds of vegetation
16 designated areas.

17 MR. JAY: The 401 itself is primarily for the
18 dredge-and-fill permit, which would be wetlands or
19 riparian areas. So that is typically what it addresses.
20 It could be expanded at the Board's discretion to
21 include some other things.

22 CHAIRPERSON CLOKE: Mr. Dickerson, how, I mean,
23 this question of -- I'm looking at, you know, at some
24 riparian trees like the Royal Willow but I'm also
25 looking at trees like Big Cone Douglas Fir on this list.

1 So if we are concerned with mitigation for
2 all of the vegetation lost, how do we approach that?

3 MR. LAUFFER: Maybe this is a good opportunity
4 for counsel to chime in.

5 Section 401 of the Clean Water Act --
6 Section 401 of the Water Quality Certification are one
7 of the rare areas where we actually have oversight for
8 mitigation. Non-riparian and non-wetland habitats, such
9 as chaparral or the Big Cone Douglas Pines you're
10 referring to, are basically outside the jurisdiction of
11 this Board. But that is a question you may want to ask
12 BFI because when the project was proposed and these
13 types of native habitats were being lost, that is
14 something that is analyzed as part of the Final
15 Supplemental Environmental Impact Report.

16 And the County and/or City, in this case,
17 as a condition of the mitigation for the lost habitat
18 may have required some mitigation. But that specific
19 issue, because we're outside the bounds of Section 401
20 of the Clean Water Act and the Water Quality
21 Certification Requirement, would not be something the
22 Board would ordinarily look at.

23 MR. MCDONALD: I'll go. Just to follow up on
24 that, I was going to get clarification.

25 Now, removal of wetlands normally falls

1 under the Army Corps, 404; right?

2 MR. LAUFFER: That's correct. And because it is
3 a federal permit, there is no provision of the Clean
4 Water Act, Section 401, that requires any time that a
5 federal government is issuing a federal permit, such as
6 a section 404 dredge and fill permit, it must get a
7 Water Quality Certification under Section 401 of the
8 Clean Water act from the State.

9 In this case, regulations promulgated by
10 the State Water Resources Control Board delegate to the
11 Regional Board and specifically to the executive
12 officer, the authority to establish those conditions
13 that will be incorporated in a certificate of water --
14 or water quality certification. And then that will be
15 ultimately incorporated into the Army Corps of Engineers
16 404 permit.

17 Our process for reaching 404 permits is
18 through the back door of Section 401 -- or I should say
19 the front door of Section 401 of the Clean Water Act.

20 MR. MCDONALD: Thank you.

21 CHAIRPERSON CLOKE: So for anything outside of
22 wetlands or riparian, are you saying that this Board
23 doesn't have the authority, even if it's the area of the
24 proposed landfill that's going to be impacted and we're
25 going to be losing trees, that we have no authority to

1 require a replacement?

2 MR. LAUFFER: That is correct.

3 I want to clarify that because you're
4 traipsing on the grounds of what's the limit of this
5 Board's jurisdiction. There are other statements made
6 today by counsel for BFI about the limitation on the
7 Board's authority that I might disagree with. But in
8 this particular area, the ability to mitigate up-land,
9 if you will, native habitat is really something beyond
10 the bounds of Section 401 of the Water Quality Control
11 Act.

12 CHAIRPERSON CLOKE: To whom would that
13 jurisdiction rule on?

14 MR. LAUFFER: My best guess -- and, again, it's
15 not an area of law I'm as familiar with, but certainly
16 the State can get an Environmental Impact Report, and in
17 assessing the loss of habitat, could require as a
18 mitigation condition in their approval of the EIR that
19 some of this habitat be replaced. That's fairly common
20 for cities to do that. BFI's counsel would probably be
21 in a good position to tell you.

22 CHAIRPERSON CLOKE: They may have already done
23 that.

24 Then I wanted to ask: Is it in our
25 regulations whether or not e-waste is allowed into this

1 landfill? Is that something that is appropriate to
2 belong in our regulations?

3 MR. DICKERSON: Which kind?

4 CHAIRPERSON CLOKE: Electronic, electric waste,
5 old computers, old TV's, whatever.

6 MR. MCDONALD: Such as monitors.

7 MR. DICKERSON: Michael, do you have a thought on
8 that?

9 MR. LAUFFER: This may be a good opportunity --
10 and I would hate to put them on the spot -- but to talk
11 to the Integrated Waste Management Board folks. I know
12 they have overall responsibility for establishing
13 electronic and e-waste programs in the state.

14 I know that there have been bills -- not
15 that I followed them in the last couple years -- that
16 require, for example, additional proposals because it's
17 treated as hazardous waste, to require additional
18 disposal fees for cathode ray tubes, your conventional
19 monitors for computers, and whatnot. But in terms of
20 how these are regulated, that's part of a separate
21 regulatory scheme.

22 CHAIRPERSON CLOKE: All right. Mr. Nahai, do you
23 have more questions?

24 MR. NAHAI: First, I want to pose the question to
25 you, Michael: Would you comment then on the statements

1 that were made as to the limits of this Board's
2 jurisdiction.

3 MR. LAUFFER: Certainly.

4 First of all, at the great peril of being
5 a little long-winded, I think it's important to
6 recognize that this Board, in issuing permits like this,
7 is undertaking a very complicated task. There are
8 overlapping and intersecting federal and state
9 regulatory schemes.

10 But, as a matter of first principal, this
11 Board operates under the Porter-Cologne Water Quality
12 Control Act. And you have heard counsel for BFI
13 characterize under the Resource Conservation and
14 Recovery Act, which is a federal act, and Subtitle D
15 specifically of the Resource Conservation and Recovery
16 Act, which governs solid waste management -- municipal
17 solid waste facilities such as what is proposed at
18 Sunshine Canyon; that, you know, there are very specific
19 and prescriptive requirements that are established.

20 Those are carried forward as well in
21 regulations that have been promulgated by the Integrated
22 Waste Management Board and by the State Water Resources
23 Control Board, codified both in Title 27 and Title 23 of
24 the California Code of Regulations. Those layout very
25 prescriptive requirements for landfill operations. I

1 would characterize them as minimal requirements, while
2 at the same time recognizing that those requirements
3 were established after substantial congressional
4 testimony when Subtitle D was adopted in RCRA. And then
5 further, when U.S. E.P.A. promulgated its regulations in
6 40CFR governing municipal public landfills.

7 And when the State Water Resource Control
8 Board and the Integrated Waste Management Board
9 promulgated their regulations, they carefully considered
10 all the various factors that would go into the
11 prescriptive requirements such as composite liners,
12 double liners for hazardous materials sites, the
13 earthquake standard that Mr. Sheehan asked about
14 earlier -- those got incorporated into our Title 27
15 regulations.

16 But regardless of the fact that issues
17 started to be parsed out, there's an overarching body of
18 law with respect to the operation of municipal solid
19 landfills and the permitting for them -- and I haven't
20 even mentioned the various aspects the City and County
21 have to get into as Local Enforcement Agencies.

22 The Porter-Cologne Water Quality Control
23 Act gives this Board and encumbers this Board with an
24 obligation when it issues a discharge requirement to
25 consider the need to prevent nuisance and that

1 particular provision of Porter-Cologne is a very old
2 provision and predates many of the various clauses I've
3 been discussing for the last few moments.

4 But nonetheless, it's a power that this
5 Board is required to continue operating under. And when
6 we consider the need to prevent nuisance -- nuisance is
7 defined in Porter-Cologne to mean injurious to the
8 health of the community and as the result of waste or
9 the disposal of waste. So Porter-Cologne gives you the
10 ability to look at those nuisance issues.

11 To that extent, that's my long-winded way
12 of saying I disagree, to a degree, with Ms. Rubalcava's
13 characterization that this Board can only look at water
14 quality related issues because the Legislature has
15 spoken on the nuisance issue.

16 With that said, obviously, this Board has
17 to carefully go through and analyze what a nuisance
18 means and what the need to prevent nuisance means in the
19 context of the waste discharge requirement. Those
20 requirements under RCRA, those requirements under the
21 Health and Safety Code, Public Resources Code, are all
22 designed to prevent nuisance.

23 And so, when the Board looks at its
24 obligations with respect to the existing landfill that
25 is already there that is covered to a certain degree in

1 a post-closure operation by the proposed WDRs, and when
2 this Board separately in the same WDRs looked at the
3 proposed new landfill -- and if the Board wishes to go
4 beyond the various requirements that staff proposed and
5 that are incorporated in Title 23 and 27 of the
6 California Code of Regulations, you need to carefully
7 look at those new nuisance issues, and I think parse
8 them out separately based on whether or not you are
9 looking at the existing landfill, which does not have
10 all the additional liner requirements on it because it's
11 an old landfill predating 1991 or -- excuse me.
12 Essentially ceasing its operation in prior to 1991. And
13 the new landfill would include all the prescriptive
14 requirements from the other applicable state and federal
15 laws.

16 So that's a long-winded way of saying the
17 Board has tremendous authority; at the same time, you
18 should be cognizant of the fact that the Legislature,
19 the State Water Resource Control Board, U.S. E.P.A.,
20 Congress, and the Integrated Waste Management Board have
21 started to ferret out and define through their
22 prescriptive requirements what is needed to prevent a
23 nuisance in a new landfill.

24 MR. NAHAI: That was a long-winded answer.

25 MR. LAUFFER: And I apologize.

1 You said at the last meeting, Mr. Nahai,
2 and that was "landfills are the ugly underbelly of a
3 larger societal problem." It's a very complicated
4 issue.

5 MR. NAHAI: You liked that.

6 MR. LAUFFER: You do have a flair for language.

7 To address that ugly underbelly, it's a
8 very complicated regulatory scheme. And I think the
9 Board should be able to appreciate the various ways in
10 which it can operate and utilize its power in that.

11 CHAIRPERSON CLOKE: I have a much more practical
12 question still for our staff who is still up there.

13 Can you talk to me about the existing
14 capacity of the open part of the landfill and what, you
15 know, when you expect that to reach capacity and what
16 are the, sort of, outside timeframes necessary.

17 Ms. Rubalcava and others were focussing on
18 timing. And I would like to have an understanding of
19 what the timing is, in practical terms, of how much
20 capacity is left, in which part of the landfill, how
21 much time it will take to bring the new landfill to an
22 operational point, and without regard to issues other
23 than practicality. You know, just what would your
24 timeline and capacity answer be.

25 MR. NELSON: Sorry to go back and forth here.

1 I think BFI will -- they will be able to
2 answer this better. There is a certain amount of
3 remaining capacity in the currently operating County
4 landfill; however, they cannot use all that capacity and
5 remain in a stable configuration. So that cuts down
6 considerably of how much they can use.

7 They, as far as airspace, I believe they
8 have maybe close to four years remaining. But they
9 can't build it straight up and down. So they need, in
10 the interim, before they can use all the capacity, they
11 need to either utilize the City or there's a portion of
12 the bridge area, I believe they call it, between the
13 existing landfill and the City/County line. And, as
14 matter of fact, I believe --

15 Weng, they've submitted an application for
16 the bridge area to the County?

17 MR. YANG: Yes.

18 MR. NELSON: They would have to prepare that in
19 the County before they could use some of the existing
20 capacity they have in their current footprint. So I'm
21 afraid it's not a very definitive answer, but it doesn't
22 have a real easy answer.

23 MR. DICKERSON: I can add to that, in the sense
24 that it's my understanding based upon conversations with
25 BFI, that the nature of the constraints that Rod has

1 just gone through suggest that they would need to
2 have -- they only have a very short period of time
3 before they need to start building onto the old City
4 Side landfill, and we talked about that in terms of the
5 closure. But they can't do that until the closure is
6 complete. So it's my understanding it's a very short
7 time, but I would defer to BFI for more specifics.

8 CHAIRPERSON CLOKE: Okay. Thank you.

9 I think that's our staff questions for
10 now.

11 Do you have another one?

12 MR. NAHAI: Just two more real quick.

13 Dennis, we asked Dr. Cozen to attend this
14 hearing in person.

15 MR. DICKERSON: Yes.

16 MR. NAHAI: She was unable to do so.

17 MR. DICKERSON: We were coordinating that through
18 the good offices of Dr. Stratton. It was our
19 expectation that she would be here. It turns out that
20 she had a conflict, a long-standing conflict with this
21 day, and unfortunately we weren't able to have her here
22 personally.

23 MR. NAHAI: I just wanted to get confirmation
24 from Rod regarding an earlier question I posed which is
25 that, sitting here today, we don't know what the

1 County's requirements would be whether in the c.u.p. or
2 whether what kind of requirements it would have in
3 connection with any agreements it might have to enter
4 into. We just don't know those things, do we?

5 MR. NELSON: That is correct. And, again, BFI
6 can respond better than I can. But they have to have a
7 land-use permit obviously to put waste over there. I
8 think they do have that, but you better let them respond
9 to that.

10 MR. NAHAI: Thank you.

11 CHAIRPERSON CLOKE: Dr. Simon, could you join us,
12 please. Are you still here?

13 Thank you for staying. Mr. Shaheen has
14 some questions for you.

15 MR. SHEEHAN: I was intrigued, I guess, when you
16 made the comment I think, quote, unquote, "There's a
17 disconnect potentially in this case." And I guess
18 looking at the motion by the Board of Supervisors, I
19 guess they are laying on your lap coming back to them
20 with recommendations in 30 days.

21 Given everything that you've seen and
22 heard today, I guess, do you think there is a bridge I
23 guess to repair this disconnect? Or I mean -- I guess,
24 I want a little more color on that particular area.

25 DR. SIMON: Sure. I think there's no question

1 that there's a bridge. By that I mean there's really a
2 very, very intense difference of opinion amongst the
3 community with regard to what the scientists are saying.
4 And I think the -- I don't want to commit myself yet too
5 precisely to how I'm going to respond to the Board
6 because I have 30 days.

7 But I would say that it would appear that
8 there is sort of two stages. The first is I think there
9 is the need to look a little bit more carefully at the
10 cancer data. And by that I mean I think we do need to
11 include a couple additional census tracts in the
12 analysis and look a little more carefully at the mix of
13 cancers that have been reported to the Cancer Registry
14 within those neighborhoods. I've been told by Dr. Cozen
15 that that can be done within the next week. I would
16 like to see the birth defects data for that area, if
17 it's available, from the State.

18 Beyond that, though, I think the response
19 is more directly with the community. I think we'll need
20 to have several meetings at the very least to gather
21 additional information regarding exactly what they are
22 seeing in their community, to see if -- to get some
23 confirmation that what they are seeing is indeed what we
24 see in the registry, in other words, that we're not
25 missing cases in the registry; to talk about what their

1 other health concerns are; to define a community that is
2 reasonable for purposes of further investigation; and
3 then to consider, again, with the community's input some
4 sort of possible targeted survey. Although I can't at
5 this point in time say what the contents of that survey
6 would be.

7 MS. DIAMOND: I would like to ask a follow-up on
8 that question, Dr. Simon.

9 You were talking in your comments earlier
10 about the fact you could structure a survey in the
11 community where you would consider a host of cancers and
12 asthma among children. There were other questions that
13 were asked at our last meeting which we didn't get
14 information on today, concerning potential birth
15 abnormalities, miscarriage rates.

16 Would you be able to structure a survey
17 that would -- which would consider those kinds of
18 information as well?

19 DR. SIMON: We did look at low birth weight. We
20 have very good data on that, that I have confidence in.

21 The miscarriage issue is very, very
22 difficult unfortunately because there are no good data
23 sources and to rely -- we can certainly ask families,
24 but we know from some scientific studies that an awful
25 lot of miscarriages are actually missed.

1 MS. DIAMOND: You're talking then about two
2 things, I think. You're talking about going back and
3 looking at additional census tracks as was done by
4 Dr. Cozen.

5 DR. SIMON: With the registry data.

6 MS. DIAMOND: With the registry.

7 DR. SIMON: Yes.

8 MS. DIAMOND: But also a survey where you would
9 actually go into the community and talk with people

10 DR. SIMON: Talk, that's right.

11 MS. DIAMOND: Talk with people and gather
12 information with the questionnaire.

13 DR. SIMON: Yes. And let me be clear, exactly.
14 We would need to decide, though, the size of the
15 community, how we would sample households, how we would
16 administer the survey. Would it be actually going
17 household to household versus trying to do it via the
18 mail or via telephone. We would need to define exactly
19 the contents of the survey.

20 The questions about cancer, in my view,
21 would be to determine whether we've undercounted cancer
22 in our registry. It wouldn't be to sort of measure
23 precisely the burden of cancer in the community because
24 I feel very confident that the best data we hope to
25 possibly get is from the registry. I am sensitive to

1 the remarks of at least one community member, maybe two,
2 that there are now adults, middle-aged adults who
3 actually spent their childhood in that area and have
4 moved away and, therefore, would not have been counted
5 in our cancer statistics.

6 We have done some studies with communities
7 that have targeted schools where we've actually
8 collected several classes that may have been 20, 25
9 years ago and done our best to try to track and get
10 information. Now, it sounds much easier than it really
11 is to implement, but we've tried. And in some of the
12 cases, we've got enough information to answer our
13 questions about cancer.

14 MS. DIAMOND: Having attended some high school
15 reunions myself, I know that they do a pretty good job
16 of tracking down alumni.

17 But just two more quick questions: You
18 are responding to the Board of Supervisors in a sense,
19 as well, in terms of your sensing this disconnect and
20 the need to do more. Is this something that the Board
21 of Supervisors you feel, had asked you to do on their
22 behalf?

23 DR. SIMON: No. The sequence really is that I
24 had some pretty in-depth discussions with Dr. Stratton
25 and had actually read the minutes from the last month's

1 or actually July meeting and then had been briefed by
2 Dr. Rangan as well. So we were well along the way to
3 doing this. My office had committed to doing this.

4 And I only learned yesterday from our
5 director of operations, a Dr. Shinon (ph) that there had
6 actually been a Board motion, which I'm happy to see.
7 It provides further support for what we want to do.

8 MS. DIAMOND: Thank you.

9 CHAIRPERSON CLOKE: Mr. McDonald?

10 MR. MCDONALD: Yes, to follow-up, Doctor, thank
11 you for staying.

12 Do you know what the results of this study
13 will do toward going forward with the Supervisors? Is
14 it opposing a pending motion that's going to be taken
15 up, or it is just fact finding?

16 DR. SIMON: I think at this point, they've only
17 asked for our recommendations on what should be done to
18 fully address the community concerns regarding health.
19 It's not clear really beyond that, what they would --
20 what actions they would take.

21 MR. MCDONALD: So it's not in association to any
22 other action that might be before the Board?

23 DR. SIMON: No, no.

24 And let me clarify, in my view there's
25 sort of two research questions that I think are of great

1 interest in the community: One is likely to be
2 answerable, but one is very difficult to be answerable.

3 First, is there actually an excess of
4 illness in this community, and with regard to specific
5 conditions. And I think there is a shot at getting some
6 good data and trying to make a sound judgment about
7 that.

8 Then the next question, though, is: If
9 there is evidence of excess, is that excess causally
10 related to the landfill?

11 And I know this is very hard for people to
12 accept, but in the absence of some sort of defined
13 exposure, there's no way to know. There's no magical
14 blood test for someone with an illness that will say
15 "This was landfill caused." It's just not possible in
16 the absence of a well defined exposure.

17 So in working with the community, I want
18 them to understand and work through this, but I want
19 them to understand sort of what we can do and what we
20 unfortunately can't do.

21 MR. MCDONALD: So good science will tell you in
22 30 days if there is a connection to the sickness with
23 the last.

24 DR. SIMON: No, maybe I misspoke.

25 In 30 days we have to have recommendations

1 to the Board, our Board of Supervisors on how we intend
2 to investigate the community concerns. I think our
3 investigation of the community concerns might take at
4 least several months, and it could even take four to six
5 months depending on what sorts of information we obtain
6 from the community and how we collectively decide to
7 proceed.

8 That, say, four- to six-month, process of
9 information gathering will help us answer the question
10 "Is there excess illness in the community." But I'm not
11 confident that it's going to answer the question is
12 illness causally -- is the illness and if there is
13 excess illnesses, is it being caused by exposures to the
14 landfill unfortunately.

15 MR. MCDONALD: Thank you.

16 CHAIRPERSON CLOKE: I may be raising things for
17 to you think about that you know don't the answers to at
18 this point. But we have a situation of an existing
19 landfill, which has been operating under rules that are
20 not nearly as stringent or protective or designed to be
21 as protective of human health as the WDRs that we're
22 looking at today.

23 So, I mean, I raise this as something for
24 your consideration that, you know, if there's any way to
25 sort of figure out what belongs where -- because we

1 can't go back and, you know, and make somebody do
2 something 30 years ago. We don't have that power. But
3 we want to know that what we're doing today is
4 protective, and we also need to know if there is any
5 remediation, you know, whether things need to be fixed
6 in some way.

7 So I would ask that you consider those
8 things. But I would also ask for your thoughts on this
9 which is, as we look at the question of the approvals
10 that are being requested, is it appropriate to defer
11 approval for a period of time to allow you to do your
12 investigation. And, if so, at what point in your
13 investigation do you think that we might want to look at
14 this again. Or, in your opinion, would you move these
15 forward on sort of two parallel tracks?

16 You may not want to answer that.

17 DR. SIMON: I was afraid you were going to ask
18 that.

19 CHAIRPERSON CLOKE: But that's the question I'm
20 asking myself and so I need to ask other people, too.

21 MR. NAHAI: That's your question to answer.
22 That's not Dr. Simon's. He's a doctor and scientist,
23 and you're asking him what WDRs you should use?

24 CHAIRPERSON CLOKE: Well, David, no. That's not
25 really -- if that's what you think I asked, let me ask

1 it again.

2 What I really asked is: Is there a point in
3 your research at which we would have definitive
4 information. And, if so, can you tell us when you would
5 reach that point.

6 We need to know how -- I think the
7 research that you are doing is important for this
8 community just as a stand-alone issue and the fact that
9 work that's been done by our staff and this Board has
10 brought that issue to public attention is something that
11 I think is important and beneficial.

12 Now, the second part of that question is:
13 Are you going to be able to give us information in a
14 period of time which will allow us to come to
15 appropriate decision making. Or is that something
16 outside of what you can offer and we are, as David
17 rightly says, the responsible people to make this
18 decision?

19 DR. SIMON: Ultimately, it's your decision. I
20 think the issue of what the threshold is that would make
21 you sort of vote in favor as against or versus delay,
22 specifically, with regard to health. I mean, I am so
23 impressed with how many other issues there are that are,
24 you know, out of my area of expertise.

25 But specifically with health, we will

1 continue to collect additional information. I think and
2 I am confident we'll have, over the next two months,
3 productive information gathering. But at what point --
4 but I don't think at the end of the road, we're going to
5 have anything that's sort of as definitive as everybody
6 would like. I wish we could, but I don't think so.

7 I think over the next week or so, I'm
8 going to get -- and Dr. Stratton as well -- will get
9 some additional information from the Cancer Registry
10 here that, in our minds, will be quite important and
11 reassuring if it's consistent with what has been our
12 found so far. I think, if we have the birth defects
13 data, which hopefully would be available in the next one
14 to two weeks, that would be reassuring.

15 I think, though, it's very important to
16 look in these sorts of situations not just at the health
17 side, the statistics, but also what you're hearing from
18 your experts with regard to the levels of potential
19 exposure and the exposure pathways that were discussed.

20 And so I think that's about, you know, all
21 I can say.

22 MR. LAUFFER: If I can just interject while
23 Dr. Simon is still up there, there was an issue you
24 raised, Madam Chair, that I think it's important to be
25 clear for the record, with respect to the Board's

1 ability to go back essentially 30 years, if you will.

2 I think Dr. Simon made it clear, you know,
3 his health study is going to be going to the
4 environmental characteristics that are there now, in
5 other words, that are affiliated with the existing
6 landfill unit. Obviously, his inquiry is not going to
7 go to the proposed landfill expansion.

8 But you were concerned and you actually
9 kind of posed the question to Dr. Simon about: Well, we
10 can't reach back in time. Well, that's what this Board
11 does all the time when it issues clean-up and abatement
12 orders.

13 If the health information developed as a
14 result of any additional health work done by Dr. Simon,
15 Dr. Cozen, and Dr. Stratton identifies that there are
16 elevated risks out there and then is able to establish
17 some sort of causal connection -- because if there is an
18 identified increased risk, I think that's going to raise
19 everybody's red flag to start to look for causal
20 connections.

21 I mean, who knows, we may come up with
22 synergistic effects related to the existing landfill and
23 to the extent that scientifically that can be
24 identified, this Board has the power to reach back
25 through the issuance of a clean-up and abatement order

1 to say now that we've found a pathway to our problem --
2 again, I'm assuming that there's one found -- to require
3 BFI as the operator of that, you know, closed landfill
4 to go back and address the issue so that that causal
5 link is shut down, that pathway is shut down and the
6 community is protected.

7 I don't want the Board to think that the
8 problem of the old landfill or that there's the
9 impression that this Board thinks the problems
10 associated with the old landfill will just stay there
11 forever.

12 CHAIRPERSON CLOKE: I know we can go back and do
13 a clean-up and abatement order. What I meant was we
14 couldn't go back in time and put those kind of
15 protections into place that we're putting in this new
16 landfill.

17 DR. SIMON: Can I make one more comment?

18 CHAIRPERSON CLOKE: Please.

19 DR. SIMON: That it's important to note that when
20 you're talking about cancer today, cancer diagnoses
21 today or this year, often then what you're concerned
22 about are exposures that may have occurred ten or twenty
23 years earlier.

24 If you're talking about asthma or in many
25 cases of birth defects, then what you're looking at

1 really are exposures that may have occurred recently.

2 And very importantly, if you're looking at
3 cancer, you can't just lump all cancers together. You
4 really have to look at the specific types because each
5 type is just as much a different disease as with
6 infections. Pneumonia is very different than a bladder
7 infection which is very different than a throat
8 infection. Likewise, lymphoma is incredibly different
9 than liver cancer or lung cancer. Each type of cancer
10 has different risk factors. Some types of cancers have
11 been shown in the research literature to be more closely
12 associated with environmental exposures than other types
13 of cancer.

14 CHAIRPERSON CLOKE: Thank you, Dr. Simon.

15 Any other questions for Dr. Simon at this
16 point? Thank you very much.

17 Dr. Stratton, do you have anything you
18 wanted to add?

19 DR. STRATTON: For the record, I heard this
20 afternoon from the California Birth Defects Monitoring
21 Program that they expect to complete their analysis by
22 the end of next week. I'm not sure whether that means
23 they'll be able to give me an opinion over the phone or
24 when I'll get a written thing. But I do not think their
25 whole analysis is going to take very long.

1 And I will add, parenthetically, that that
2 is the beauty of these kinds of registries where the
3 hard work is done year-in and year-out, to collect the
4 data, and then when the important policy questions come
5 up, you know, are you seeing something in a particular
6 area in California, then you can quickly pull the data
7 out of the system, analyze it and get the answer.

8 CHAIRPERSON CLOKE: Thank you very much,
9 Dr. Stratton. Thank you for being here today.

10 I just wanted to say, one person asked me
11 to ask questions of Mr. McIntyre, and I'm looking at the
12 clock. I know he has to go. He's the representative
13 from the Mayor's office.

14 Mr. McIntyre, could you come up, please.

15 MR. MCINTYRE: Thank you.

16 MS. DIAMOND: I did have a question for you. And
17 that is:

18 You come before us today with a letter
19 from Mayor Hahn. And I guess my question is: BFI has
20 some permits issued by the City of Los Angeles, and yet
21 the City of Los Angeles is coming before us through the
22 Mayor and through City Councilman Smith, asking us not
23 to issue these WDRs in order to protect public health.

24 So if the permit that was coming up that
25 was issued by the City, I believe it was in 1999 -- I

1 don't recall. I think that was the year -- if that was
2 being asked for today, are you representing that the
3 Mayor would be opposed to that permit that was issued by
4 the City in 1999?

5 MR. MCINTYRE: Yes. A decision was made by a
6 previous mayor and council administration and this Mayor
7 would be opposed to that.

8 CHAIRPERSON CLOKE: Any other questions for
9 Mr. McIntyre?

10 Thank you. Thank you for being here
11 today. Please thank the Mayor for us.

12 MR. MCINTYRE: Thank you.

13 CHAIRPERSON CLOKE: We also had questions of
14 Ms. Bernson. Is she still here? I think Ms. Diamond
15 had a question.

16 MS. DIAMOND: I was going to ask you a similar
17 question, but I know Councilman Smith is new to the
18 Council --

19 MS. BERNSON: He is.

20 MS. DIAMOND: -- and obviously he feels very
21 strongly about these issues and so the councilman before
22 him did as well.

23 MS. BERNSON: I can testify to that accurately.

24 MS. DIAMOND: There were many talks around the
25 dinner table, I bet.

1 So he is representing that he would, if he
2 had been on the City Council if this was issued now, he
3 would be opposed to it, quite obviously.

4 MS. BERNSON: Actually, I want to enter into the
5 record that that 1999 decision was not a permit; it was
6 a zone change. The 1999 was a zone change that allowed
7 the -- it was the precursor that allowed for the
8 expansion. So he absolutely -- the 12th District Office
9 was opposed to it then. It will continue to be opposed
10 to it now.

11 MR. MCDONALD: So because that was a zone change,
12 will this have to come back to the City of L.A. again in
13 the future?

14 MS. BERNSON: In what respect?

15 MR. MCDONALD: Right now, they're on the Side of
16 the County, and it wasn't done in a wholistic approach
17 to their environmental report. Will the City have to
18 approve another environment report later?

19 MS. BERNSON: I don't believe so, but there are
20 still permits pending that are subject to the
21 reopening -- or the reopening, I should say, is subject
22 to certain permits that are still pending.

23 MR. MCDONALD: You don't know what they are?

24 MS. BERNSON: I believe there is an Oak Tree
25 permit and -- there's several permits.

1 MR. MCDONALD: Thank you.

2 CHAIRPERSON CLOKE: Ms. Bernson, under these --
3 we've heard that there are various issues that, in fact,
4 are not ones within the jurisdiction of this Board. But
5 I think they are ones that we've heard about from the
6 community. And I would like to know if the City will be
7 able to address the question of the different kinds of
8 up-land, wetlands, and Oak trees mitigation and
9 replacement and so on.

10 MS. BERNSON: The City does have its own Oak tree
11 ordinance that requires replacement of Oak trees at a
12 two-to-one ratio. And, I believe, that will be enforced
13 by the City. In terms of, was there any other
14 specific --

15 CHAIRPERSON CLOKE: Well, I'm going to give you
16 this map so you can see the legend of the plant
17 community, and there are things that are chaparral and
18 Big Cone Douglas Fir Forest and so on that are written
19 on this map.

20 MS. BERNSON: I don't have specific information
21 regarding that. So I would like to defer to another
22 source if someone is available who does have information
23 on that.

24 CHAIRPERSON CLOKE: Well, since it's not within
25 our jurisdiction, maybe at the appropriate time it will

1 be within yours.

2 MS. BERNSON: I appreciate that.

3 May I also address something you asked of
4 one of your staff?

5 CHAIRPERSON CLOKE: Sure.

6 MS. BERNSON: With regard to the D.W.R. and the
7 earthquake stability, it's my understanding that the
8 earthquake stability that needs to be reviewed requires
9 that the liner be stable for an earthquake for
10 displacement of up to 12 inches. And I just want to say
11 to this Board that during the 1994 Northridge
12 Earthquake, we had displacement of 18 inches. It's just
13 something to keep in mind.

14 CHAIRPERSON CLOKE: Thank you.

15 I wanted to go back to the wetlands
16 mitigation question for you because this is your
17 district, and this is something that will be within our
18 jurisdiction and something we would appreciate input on.

19 But if there are appropriate locations
20 within the watershed or within the community, it's
21 generally our policy to keep mitigations within the
22 impacted community. And so that's not something we're
23 dealing with today, but I ask you to think about that
24 because we will be coming back to look at that question
25 that is within our jurisdiction. Okay.

1 Any other questions for Ms. Bernson?
2 Thank you very much for being here.
3 Please thank Mr. Smith for us.
4 MS. BERNSON: Thank you.
5 CHAIRPERSON CLOKE: Mr. Haueter from the County.
6 MS. DIAMOND: I thought we should have a full
7 sweep of all of our elected officials. Since you were
8 here representing Mr. Antonivich, but a motion was
9 presented to us today from the full Board.
10 Is the Board of Supervisors, all of them,
11 concerned about this? I mean, do you have a sense of --
12 I know maybe you can't speak for all of them; maybe you
13 can only speak for Supervisor Antonivich.
14 MR. HAUETER: I can speak to this. This
15 particular motion passed unanimously.
16 MS. DIAMOND: Yes. So they also have issued
17 permits in the past for the --
18 MR. HAUETER: Yes.
19 MS. DIAMOND: -- to BFI, and now they're coming
20 before us and asking us in some way to, you know, stand
21 back and look at this, take a good hard look at this.
22 And there's some concerns about the public health and
23 wanting some surveys done for health issues to respond
24 to the community.
25 So I guess I'm going to ask you the same

1 question: Do you believe that this kind of a permit
2 would be issued today by the Board of Supervisors, the
3 kind of permit they did issue rather?

4 MR. HAUETER: You're asking me to speak for five
5 other -- four other Board members. I know I can tell
6 you supervisor Antonivich opposed the permits.

7 MS. DIAMOND: He opposed when it came before him
8 before?

9 MR. HAUETER: Yes, and he would be in opposition
10 to it today.

11 MS. DIAMOND: Thank you.

12 CHAIRPERSON CLOKE: Any other questions at this
13 time?

14 Thank you very much for being here today.

15 CHAIRPERSON CLOKE: Ms. Rubalcava, could we ask
16 you some questions, please.

17 MS. DIAMOND: I have a question for you, and that
18 has to do with the issue of capacity in the existing
19 County portion. We heard from BFI that you're running
20 out of capacity, that you close at two o'clock on many
21 days. And yet we hear from other people that perhaps
22 there is enough capacity for a while.

23 So would you give us a sense of what that
24 capacity really is.

25 MS. RUBALCAVA: I would be happy to, but I

1 believe Mr. Edwards can speak to that issue better than
2 I.

3 MR. EDWARDS: There's two issues in regard to
4 capacity. First of all, there is a daily capacity. And
5 I just want the Board to know that on a daily base, BFI,
6 as a Company, diverts 2,000 tons a day to other
7 facilities including out of County facilities just to be
8 able to accommodate our existing customers.

9 On a daily base, we manage our waste
10 because we do have large contracts such as the City of
11 Los Angeles. We monitor our incoming tonnage on a
12 minute-by-minute, hour-by-hour base; and when our
13 allocations match up to when we should close, we close
14 to all customers that do not have an allocation. That
15 could be at nine o'clock, ten o'clock or noon.

16 In regards to the claim that we have not
17 closed every day, it's just plain false. The fact that
18 we haven't exceeded our tonnage is only because if we
19 do, we're in violation of our permit. So we would never
20 allow that to happen.

21 Overall capacity having to do with the
22 development of the County Side, Mr. Dickerson
23 characterized it fairly accurately. Currently, we have
24 very minimal disposal capacity remaining available,
25 capacity remaining on the County Side, probably through

1 spring of next year. We do have additional capacity
2 that is not available to us because of the difficulty in
3 constructing those cells.

4 To give you an example, to get roughly a
5 half -- excuse me -- 5 million cubic yards of capacity,
6 we have to excavate 8 million cubic yards of dirt with
7 no place to put that dirt. So it's a difficult time.
8 We try to plan out as far as we can, and that's why you
9 see this permit in front of you and also the permit for
10 the County bridge, as mentioned by Mr. Nelson.

11 MS. DIAMOND: Thank you very much.

12 MR. LAUFFER: Madam Chair, may I ask a follow-up
13 on that particular issue Ms. Diamond raised for purposes
14 of clarifying the record.

15 CHAIRPERSON CLOKE: Sure.

16 MR. LAUFFER: It sounds like there's certain
17 entities such as City of L.A. that have set allocations,
18 and so on any given day that BFI is monitoring the
19 operations at the County facility, you may make a
20 determination that, say, at eleven in the morning,
21 because we have to reserve allocation potentially for
22 our large customers like the City, that we may need to
23 shut down to anybody who does not have an allocation.
24 But if the City doesn't end up bringing in their
25 allocation that day, we may end up getting several

1 hundred or potentially thousands of tons -- a thousand
2 tons short of whatever your daily maximum is?

3 MR. EDWARDS: The first part of what you said is
4 right. The possibility of them being that far off is
5 negligible because we have such a track history on a
6 day-to-day base with our customers. We know exactly
7 what they're bringing in on Monday, Wednesday, Thursday
8 or Friday. We have accurate records. And if we see
9 that we are short, then we can makeup by calling a
10 transfer station.

11 MR. LAUFFER: And the effect of that is that you
12 may start turning away folks who do not have an
13 allocation early in the day but may continue to receive
14 trash trucks from those you do have an allocation with.

15 MR. EDWARDS: That's absolutely correct.

16 And just to clarify the overall capacity
17 situation, we divert 2,000 of our own tons. The County
18 of Los Angeles exports over 5,000 tons a day from the
19 County. The demand -- and another reason why we need
20 these WDRs today is that the demand for our area is
21 approaching 10,000 tons per day. We only have a permit
22 for 6,600 tons.

23 If it please the Board, as well, there is
24 a question regarding future entitlements that we have to
25 get on the County Side in order for us to operate as a

1 City/County landfill. If it's okay, I would like to
2 answer that.

3 Right now, we have a conditional use
4 permit on the County Side that allows us to bring in
5 6,600 tons per day. On the City Side, we have permits
6 that we received in 1999 that allows us to bring in
7 either 5,500 tons a day as a separate City operation or
8 12,100 as a combined City/County landfill. We need no
9 further discretionary permits from the City of
10 Los Angeles in regards to entitlements for the
11 City/County landfill.

12 On the County Side, we do need to go back
13 and get a replacement c.u.p., conditional use permit, to
14 allow us to go to 12,100 so that we can operate at that
15 level anywhere within the confines of Sunshine Canyon.

16 MR. NAHAI: That was actually -- just to clarify
17 what I was referring to and what I was asking about was
18 a paragraph in the letter from BFI dated August 5th,
19 and, you know, the language that caught me was it talks
20 about there's a parenthetical which reads, "and
21 following the approval of both a County replacement
22 c.u.p." which you refer to "and joint City/County
23 revenue sharing and operational agreements."

24 MR. EDWARDS: Right.

25 MR. NAHAI: Just, all I wanted to clarify was

1 that those things are not in place right now. They are
2 in the future.

3 MR. EDWARDS: Right, and those are really ways by
4 which the entities will get their monies that are
5 associated with franchise fees and such.

6 There needs to be agreements between the City
7 and County for both the City and County to get their
8 money once we're a City/County operation. If we're
9 operating separately, of course, we track what tonnage
10 is going into the County and what tonnage is going into
11 the City, and it's a straight forward accounting.

12 But once we're combined, City/County and
13 we're filing anywhere across, you know, the City/County
14 line, then it gets a little bit more complicated. Then
15 that's why you need that further agreement.

16 CHAIRPERSON CLOKE: Mr. Edwards, can you answer
17 the e-waste question?

18 MR. EDWARDS: We're not allowed to take e-waste
19 into the landfill. It's prohibited.

20 CHAIRPERSON CLOKE: And how do you check for
21 e-waste? How do you screen for that?

22 MR. EDWARDS: We have a very extensive
23 load-checking program, and it starts once a truck comes
24 into the gate and pulls up to the scale. The driver is
25 interviewed both in regards to where they're coming

1 from, waste origin, as well as what type of load do they
2 have and if they carry any e-waste or hazardous waste or
3 liquid waste.

4 Secondarily, they go up to the working
5 phase where the load is tipped, and we have spotters
6 there trained to identify those types of materials and
7 also have our operators who are trained to identify
8 those types of materials.

9 In addition to that, we do random load
10 checks where we'll pull a load off to the side, and we
11 will actually skim through and identify anything that
12 happens to be in that entire load. So we do a random
13 load check of that entire load. We look at everything
14 that comes in. So we have at least three or four levels
15 of screening that takes place to make sure that no
16 hazardous, liquid, or e-waste gets into our site.

17 CHAIRPERSON CLOKE: On another question, you've
18 heard people in the community talk about, you know, not
19 enough trees in the local parks and mitigations there.

20 You're, you know, going to be taking trees
21 and other plant materials out. Do you see this as an
22 opportunity for BFI to do beautification in the
23 immediate community? How does BFI approach this, now
24 that you heard the public testimony on this?

25 MR. EDWARDS: As part of our entitlements, which

1 include the 1993 County approval --

2 CHAIRPERSON CLOKE: Well, I'm just talking about
3 from the goodness of your heart here. This is not an
4 entitlement.

5 MR. EDWARDS: I have a good heart.

6 We work with our surrounding communities.
7 In fact, I get calls from Councilman Bernson's office
8 asking us to go to the park and help them clean out a
9 storm basin or bridged areas where things are mucked up
10 under the bridge. We have donated thousands and
11 thousands of Oak trees to the surrounding community, to
12 local council members, as well as, you know, outlying
13 cities. So we're good corporate citizens. We are
14 involved in the community. We are going to continue to
15 be involved in the community however it makes sense for
16 us and based upon what we're asked for by the
17 communities.

18 CHAIRPERSON CLOKE: Are these things outlined or
19 conditioned in permits that you received from the City
20 or the County?

21 MR. EDWARDS: Those that I just spoke of, not
22 necessarily. Although, we do have -- there are several
23 ways that, you know, we have mitigation.

24 One is we we've given over a thousand
25 acres of open space that now is dedicated to the County

1 and the Mountain Conservancy that is now parkland.

2 Secondarily, we have \$50,000 a year that
3 goes into programs just as you mentioned that service
4 the surrounding community. In addition to that, once we
5 start our City operation, upwards to 3.3 million dollars
6 that you heard about today will go directly into the
7 community for basically anything that, you know, that
8 the charter, or whatever regulatory body is set up to
9 spend that money, wants to do with it including
10 recycling, including alternative waste studies.

11 And so, actually, there are a number of
12 mitigations that are required of us, where money is
13 directed into the immediately surrounding community.

14 CHAIRPERSON CLOKE: Thank you.

15 Mr. McDonald.

16 MR. MCDONALD: Back to your checking system you
17 spoke to just prior -- and we heard a lot about
18 leaching -- does your recovery system, even though you
19 don't accept liquid waste, does it recover that, retain
20 that if it happens to get in, the system you're putting
21 in?

22 MR. EDWARDS: Right. We have, you know, beyond
23 our load checking policy, we have a composite and
24 prescriptive composite liner that is protective, first
25 of all, of the groundwater so that nothing that could

1 come in contact with the water is able to get out from
2 under the landfill and into the groundwater.

3 We have a design that collects those
4 materials. We remove that leachate. We treat it, and
5 and we dispose of it in the sewer. So we can and do
6 have the ability to contain everything that goes into
7 the landfill.

8 MR. MCDONALD: Thank you.

9 CHAIRPERSON CLOKE: Mr. Shaheen, you had one more
10 question for Mr. Edwards.

11 MR. SHEEHAN: Yeah, somebody mentioned earlier, a
12 MRF. And I was just curious, is there still a large
13 percentage of what goes to the landfill what would
14 otherwise be eligible to be recycled or go to some other
15 facility?

16 MR. EDWARDS: Well, currently, we get -- a little
17 bit over half of our waste in Sunshine that comes from
18 transfer stations. Okay. Now, there's a level of
19 recycling at most of the transfer stations. So I would
20 say over half of the materials coming in have gone
21 through a MRF, has gone through -- excuse me -- in
22 through a transfer station, has gone through some type
23 of sorting to remove recyclable material.

24 The other material particularly the City
25 of Los Angeles brings us 3,500 tons per day. The City

1 of Los Angeles implements three-bin service where all of
2 the cans, bottles and paper are separated from the
3 trash. So from that program we are only receiving that
4 material that is not recyclable.

5 So there is a large fraction of material
6 that has already been sorted through with recyclables
7 removed before it gets to Sunshine Canyon. But we also
8 have on-site a buy-back center for cans and bottles and
9 used oils. We have a green waste drop-off center. We
10 also utilize construction and demolition materials such
11 as asphalt for on-site road construction. You know, as
12 well as we, as a company, are very committed to
13 recycling, offering recycling services to all of our
14 single-family homes that we service in L.A. County.

15 MR. SHEEHAN: So you're saying a very small
16 percent would be left that comes in there daily that
17 would otherwise be eligible to be recycled?

18 MR. EDWARDS: I don't know exactly what that
19 figure is, but there's a large extent of recycling going
20 on before the majority of the material gets to the
21 landfill.

22 CHAIRPERSON CLOKE: You do take waste from
23 apartment buildings, and apartments don't have
24 recycling; right?

25 MR. EDWARDS: Yes. Yes. And that is a focus, I

1 know, of our company, and it is also a focus of the City
2 of Los Angeles because, as we mentioned earlier, the
3 City of Los Angeles -- both residential and
4 commercial -- generates upwards of 15,000 tons a day
5 with only 3,500 of that coming from single-family homes.
6 So there's a large block of material, particularly from
7 multi-family homes that, you know, the recycling
8 programs are being focussed on. And I'm sure we're
9 going to see huge improvements in that over the next
10 couple of years.

11 CHAIRPERSON CLOKE: Is that a responsibility of
12 the City to pass new legislation, or is that a corporate
13 responsibility of yours or both?

14 MR. EDWARDS: Well, I think it's an industry
15 issue, although the requirements for meeting certain
16 recycling requirements fall on the jurisdictions. We
17 like to think we're open to work with the City; we're
18 open to work with other cities and even unincorporated
19 areas in helping them develop those programs. And also
20 the California Integrated Solid Waste Management Board
21 is also. A certain amount of funds we give into that
22 program goes to assist in developing programs for
23 increased recycling.

24 CHAIRPERSON CLOKE: Thank you.

25 Any other questions for Mr. Edwards?

1 I have what I think is a last question for
2 Mr. Lauffer which is a question of --

3 MR. EDWARDS: Thank you.

4 CHAIRPERSON CLOKE: Thank you, Mr. Edwards.

5 I think it's a question of what are the
6 options for incorporating new health information as we
7 move forward, I mean. Is that clear enough?

8 MR. LAUFFER: It's very open-ended.

9 CHAIRPERSON CLOKE: Yeah, it's open-ended in my
10 mind too. I think there are various options, and some
11 of them have a tighter timeframe than others.

12 MR. LAUFFER: In looking at the health study
13 issue, if you will, there are a variety of options the
14 Board has.

15 First of all, you heard the County is
16 interested in this issue. They have resources. The
17 Board could defer, because Waste Discharge
18 Requirements -- and I'm going to start with the least
19 option, if you will. So the Board has the continuing
20 opportunity and authority to review and revise those
21 discharge requirements. They don't serve for a set term
22 like our NPDES permits that are issued. As a result,
23 the Regional Board could essentially sit back and
24 indicate that it intends to review the health study when
25 the health study is completed by the County.

1 Another option would be for the Regional
2 Board, as a component of the Waste Discharge
3 Requirements, to explicitly require -- essentially,
4 recognizing that under the nuisance provision of
5 Porter-Cologne, the Board has the responsibility to
6 consider the need to prevent nuisance and assure that
7 the Waste Discharge Requirements for the existing
8 landfill -- I think it's important to keep that
9 issue focussed, the health study issue, focussed on the
10 existing landfill because that's what it will concern.
11 That under those nuisance provisions, the Board place an
12 affirmative obligation on the discharger staff and, to
13 the extent that we can receive the cooperation from the
14 Office of Environmental Health Hazardous Assessment, the
15 County, the U.S.C. Cancer Registry, so on and so forth,
16 to conduct a refined and updated health studies and
17 information from that be brought back to the Board so
18 that that can be used in considering whether the Waste
19 Discharge Requirements for the existing landfill need to
20 be refined or whether any other appropriate action would
21 be necessary.

22 Another option -- and I will be perfectly
23 honest that this option, from a legal perspective, is
24 not as firm in terms of firmly grounded in the
25 Porter-Cologne Act, would be for the Board to continue

1 deferring the issue until the health studies are
2 completed. And the reason I say it would not be as
3 firmly grounded is because the existing landfill is
4 already there; it is already covered by Waste Discharge
5 Requirements. It is that existing landfill that
6 continues to ostensibly -- you know, if the Board is to
7 assume that there is a health issue out there or at
8 least to accept the evidence of individuals that
9 testified that are additional cancer concerns within
10 that neighborhood -- I think you heard Dr. Simon say
11 there is a disconnect between the science and the
12 community.

13 So there's certainly evidence in the
14 record to indicate that there at least may be a need to
15 further evaluate that issue. But the problem is from
16 the perspective of Porter-Cologne, looking at that, the
17 issuance of these Waste Discharge Requirements don't
18 address or hinge on that need to prevent nuisance
19 because -- if there is a nuisance. In other words, if
20 there is something injurious to health because of the
21 waste that is already out there, it is there whether or
22 not these Waste Discharge Requirements are adopted by
23 the Board today.

24 So for that reason, in terms of in respect
25 to the issue of the need to prevent nuisance and

1 considering the need to prevent nuisance, the Board's
2 actions would not be affirmed in terms of delaying
3 further the Waste Discharge Requirement and waiting for
4 the results of that health study because they really
5 won't have any bearing on the new landfill, if you will.

6 And that's my initial take on options.
7 Obviously, I'm willing to entertain and provide comment
8 on any other options the Board may wish to consider with
9 respect to that. If health study requirements were to
10 be incorporated into the WDRs, certainly there's
11 language that I could work up and provide to the Board.

12 CHAIRPERSON CLOKE: Thank you.

13 I have one other area that I like to get
14 your opinion on. And that is that I remain very
15 uncomfortable with the fact that there are so many
16 unresolved issues. The County still has the conditional
17 use permit to issue; the City has other permits to
18 issue; just the whole the political mind has changed
19 since the initial approvals were issued. That's been
20 made very clear to us both at the City level and the
21 County level, that the political mind has changed.

22 And I'm concerned with making decisions,
23 not having a full knowledge of all the other decisions
24 that are going to be made having to do with this new
25 part of the landfill. And so I don't know how -- I

1 don't know how to frame that in terms of folding that
2 into a current approval for something that doesn't yet
3 exist, when I know that all these other approvals that
4 are out there are in a very shaky landscape and some of
5 them haven't happened. The ones that have happened, the
6 landscape has changed under them; and the ones that are
7 going to happen, we don't know what they are going to
8 look like. And so I don't want to -- I want to be part
9 of a whole and not, you know, be a disconnect. I don't
10 want to be a further disconnect.

11 MR. LAUFFER: I certainly understand --

12 CHAIRPERSON CLOKE: That may not be a legal
13 issue, and you can say that to me.

14 MR. LAUFFER: And that's exactly where I want to
15 go.

16 I understand the Board's concerns there
17 because obviously -- it's not always the case that we're
18 one of the last approvals for these types of facilities.
19 In this case, the way the timing worked out, it happens
20 to be the case.

21 With respect to the expansion contemplated
22 by these WDRs, my understand is that there is very
23 little left in the way of approvals, and you really do
24 have a complete sense.

25 Now, this Board was put into a

1 politically, although I wouldn't say legally tenuous
2 position, because of the shifting political landscape
3 with respect to the City. And to that extent, as much
4 as I would like to provide and guide the Board in that
5 respect, it really --

6 CHAIRPERSON CLOKE: I don't think you can.

7 MR. LAUFFER: I can't.

8 That said, you know, the Board should be
9 aware that it frequently has to make decisions when
10 other agencies will be taking the analysis and being
11 forced to, you know, issue revised conditional use
12 permits or take subsequent actions. It's not something
13 this Board does -- or it is something this Board does on
14 a fairly regular basis.

15 The other thing to recognize, and I think
16 it's something that Mr. Nahai got into. And to a
17 certain extent, your question drives at, the issue that
18 there's a lot of balls in the air, there's a lot of
19 uncertainty and we don't know what will happen with
20 respect to the County extension and whatnot.

21 But with respect to this Board and the
22 authority that its operating under with respect to
23 Porter-Cologne, yes, it's very broad authority,
24 especially when you're looking at the need to prevent
25 and consider nuisance. I think that those are the kind

1 of inquiries you want to look at very carefully. But
2 whether or not the County approves and additional
3 actions are taken with respect to the County extension
4 landfill, that does not alter the types of requirements
5 that this Board would issue because of the very
6 prescriptive nature that is established under RCRA and
7 under Title 23 and 27.

8 The one place where there is sort of a
9 cumulative consideration is not in our Board's issuing a
10 discharge requirement; it's actually in the analysis
11 that's done under CEQA, by the lead agency which did
12 actually look at the cumulative affect of a City and
13 County operation of a landfill.

14 And I know it's very enticing to be able
15 to want to know exactly what's going to happen with
16 respect to all the pieces, but with respect to issuing
17 these Waste Discharge Requirements, the focus under
18 RCRA, under Public Resources Code, the Health and Safety
19 Code, and Title 23 and Title 27 really is on the
20 prescriptive requirement in this landfill.

21 And then beyond that on Porter-Cologne
22 looking at the existing landfill and the proposed
23 expansion within the City confines to determine whether
24 or not there is anything additional the Board needs to
25 consider with respect to the need to prevent nuisance.

1 And as much as I would like to provide further guidance
2 on the political issue, I just cannot.

3 CHAIRPERSON CLOKE: I don't think anybody can.

4 MS. DIAMOND: As we deliberate, though, you talk
5 about the powers that we have under Porter-Cologne with
6 regard to the issue of nuisance and define that as
7 public health issues. At the last meeting, we asked the
8 staff to come back to us with answers to many questions
9 which they did come back with answers to many questions.
10 However, we didn't get information, and understandably
11 in a month, we know it wouldn't be possible to get that
12 information.

13 Those were issues about respiratory --
14 what were the issues of respiratory disease, asthmatic
15 children, birth defects.

16 And so it seems to me that we need
17 information in order to exercise that authority under
18 Porter-Cologne on those issues. I still don't know the
19 answers to those questions, and I'm hoping that there
20 will be -- and I think Dr. Simon indicated that shortly
21 he will have some information that they'll be gathering
22 from the community and from the registry, increasing the
23 numbers of cancers and the census tract. So I guess I'm
24 feeling the need for more information.

25 MR. LAUFFER: If I can just say one thing, and my

1 thinking is, I realize the Board has the responsibility
2 that is much broader and you need to balance issues.

3 But I think it's important, and I hinted
4 at it in a couple statements I made. The Board has to
5 be very careful in terms of parsing out the issue of
6 nuisance and what the health study will do.

7 The health study is not going to tell this
8 Board -- and believe me, I sympathize, as the attorney
9 for this Board, I want to have as much information in
10 the record as possible so our decision is as solidly
11 grounded as possible and as defensible as possible
12 because there's a very good likelihood that no matter
13 what this Board does, one or both sides will be
14 challenging this Board's actions.

15 Now, in saying that, I really encourage
16 the Board to stay focussed on the two different aspects
17 that are covered by the waste discharge requirement and
18 the important question that may be answered by that
19 health study.

20 The Waste Discharge Requirements covered
21 the closure for the existing landfill. The health study
22 is only going to provide us information about that
23 existing landfill and exposures that could be related to
24 the existing landfill which is unlined, which is very
25 old.

1 The issue that is generating -- to be
2 perfectly honest, and I say this as the Board's
3 counsel -- the most political heat is not that issue.
4 It is the expansion with a landfill that will have a
5 composite liner that will have additional requirements
6 that your staff has required that go above and beyond
7 what is contemplated under RCRA and above and beyond the
8 minimum requirements under Titles 23 and 27 and the Code
9 of Regulations because staff has heard the concerns of
10 this Board and of interested persons who want to be more
11 protected.

12 And I say that because the health study is
13 not going to have any bearing on those issues. It's not
14 going to tell us whether a composite liner and whether
15 the key groundwater protection systems is protective of
16 this public and this community that is close to the
17 landfill and that appears to have suffered some injury
18 and had legitimate concerns as brought before this
19 Board.

20 That's where the most political heat is
21 on, on the new expansion. That's where the health study
22 is really is not going to provide us any additional
23 information. And I think it's very important to keep --

24 MR. NAHAI: Michael, you strayed a little bit
25 afield from just purely legal issues. So I'm going to

1 give myself the liberty of disagreeing with you on a
2 couple things that you said.

3 First, with respect to the issue of the
4 County, I understand that what is being put before us is
5 the City Side expansion. But what is also clear to
6 everybody is what is contemplated is a County/City joint
7 landfill. I mean, the materials are full of that
8 intention. It's not something we can simply turn a
9 blind eye to.

10 What has been troubling me now, for all of
11 these hearings is that we have not had the County tell
12 us exactly what it is that they -- I mean, what we've
13 been told is: Oh, you don't need to think about that
14 because there was this FSEIR that was done back in 1998.
15 And so what the conditions of the County c.u.p. might be
16 or might not be or what their input might be on this
17 process, but the expansion of the landfill that is right
18 on the County border is something that we should be
19 concerned about, and I don't agree with that.

20 I think we have a glaring vacuum
21 throughout these proceedings in that we haven't heard
22 from the County, and I posed the question a couple
23 times: What is it that the County is going to want to
24 see here? And the answer is: We simply don't know.

25 The only indication we had from the County

1 is a unanimous resolution from all supervisors saying
2 that the community concerns have to be dealt with and
3 the representative of Supervisor Antonivich, who, in no
4 uncertain terms, opposed the adoption of these WDRs. I
5 just want to put that as a counter to what was said.

6 The second thing that I would like to take
7 issue with is: I'm not sure it's true that the health
8 studies that Dr. Simon is contemplating will have no
9 bearing on the decision that we're making.

10 I cannot disagree with that conclusion
11 because I think what the study is going to do is tell us
12 whether there is an incidence of higher disease and
13 adverse health in the community than what is the mean
14 average in other communities. And that in and of itself
15 is very useful information.

16 Now, it may be that we'll conclude that
17 the new landfill with everything that's being proposed
18 in it is going to deal with those issues. But that
19 doesn't mean -- that doesn't mean that the information
20 in and of itself as to whether a landfill and living
21 near a landfill gives rise to higher incidences of birth
22 defects or respiratory illness -- I think that
23 information certainly will bear on what it is that we
24 do.

25 But I think even apart from that, just to

1 echo what Ms. Diamond said, I mean I, too, find myself
2 here not with the level of comfort of knowledge that I
3 would like to have in order to vote for the staff
4 recommendation at this time.

5 You know, some of the questions have been
6 answered; many of them haven't. This issue of the
7 cumulative impact for me is still up in the air because
8 we haven't heard from the County. You know, a principal
9 witness on all of the health issues and, therefore, the
10 nuisance issue is Dr. Cozen, who wasn't here. All we
11 have are her reports and all kinds of things that have
12 been attributed to her, but we haven't had an
13 opportunity to see her, to talk to her, to get her
14 expertise from her.

15 The issue of Dioxane, in my opinion, has
16 not been adequately explored or explained. You know, we
17 just have been told, you know, we're going to put up a
18 wall, and that will deal with that issue. And I don't
19 think that that's an adequate response to just what is
20 the Dioxane plume; you know, how big is it; where did it
21 come from; is it produced by the landfill; isn't it.

22 So I, too, find myself in a place of just
23 having these questions that I feel are unanswered. And
24 at the same time, I feel very strongly the issue of the
25 need to provide additional capacity for waste. But when

1 I weigh these things -- and I know Dr. Simon is going to
2 come back in 30 days with recommendations to the
3 County -- I just don't think there is enough here at
4 this time for us to, in effect, turn our backs on the
5 grief of an entire community and not hear what they
6 want, which is they want this issue of their health
7 studied, which is something the County has directed
8 happen. I would like to see what it is that Dr. Simon
9 comes back with in 30 days.

10 So that's my position.

11 MR. SHEEHAN: Obviously, a lot of work has been
12 put into this, and I'm kind of blown away by how much
13 additional information has come back to us since the
14 July meeting. There is no way that I would be
15 comfortable at all sitting here looking at the nature of
16 the issues that are still outstanding and remaining
17 without hearing back from County Health with what they
18 are looking at.

19 And, you know, I keep going back to the
20 earthquake, and I keep getting confused again and now
21 there's another comment there from Ms. Bernson on that
22 issue. So that isn't necessarily the biggest driving
23 issue, but it seems to me there's still a lot of
24 unanswered questions that are still there.

25 MR. MCDONALD: I guess we go into our

1 deliberations now.

2 From my standpoint, I think I also look at
3 it from a science standpoint. I don't think we're at
4 the point at which we're really trying to address the
5 water concerns. I don't think that we're going to get
6 anything different.

7 I don't think in 30 days, I don't think in
8 six months, the people who are responsible for the
9 aqueducts and facilities close to that landfill that we
10 were worried about initially -- D.W.P., M.W.D. -- they
11 stated their position.

12 I think as far as the experts from our
13 staff have stated their positions, I think we definitely
14 have to take into account what the people are saying. I
15 don't discount anything they are saying as not true; I
16 think it is true. But I don't think we're going to
17 change any of that with a 30-day wait. I mean, that's
18 just my honest opinion.

19 I think we're looking at an issue before
20 us that's going to be the same issue before us in 30
21 days or 60 days. They are going to have concerns, and
22 they're going to come down here and voice their
23 concerns. And we're going to feel sympathy for them.
24 And I feel very much that I wish we could have addressed
25 it a while ago.

1 In the end result, we'll have to say: Do
2 we want this expansion to go forward or not on the basis
3 of pure science. And I don't think that's going to
4 change. I don't think our staff report is going to
5 change. I don't think M.W.D. or D.W.P. wants or is
6 looking at the Water Quality issues.

7 From my standpoint, I would feel
8 comfortable with taking staff recommendations. But I
9 would adhere to the Board majority if you feel you need
10 more time to consider it.

11 CHAIRPERSON CLOKE: Ms. Diamond.

12 MS. DIAMOND: I sort of stated my opinion by some
13 of the questions that I asked, but I don't feel
14 comfortable today making this decision.

15 I do think that the first role we have to
16 play is a concern for public health. I mean, that's the
17 role that we -- that all agencies have to look at first,
18 is safety and welfare and health of the public. And I
19 would feel more comfortable making this decision when we
20 get the information from Dr. Simon. Maybe it will not
21 be definitive.

22 But I believe that, if the County
23 Supervisors, the Mayor of the City of Los Angeles, the
24 councilman who represents that district, Congressman
25 Sherman who represents that district, and the City

1 Attorney are asking us to take a deeper look at this,
2 then -- and people, most importantly, are asking us to
3 make sure that they are being protected, I feel that I
4 can't -- I can't make this vote today. I need to know
5 more, and I agree with David.

6 Look, when you get information from
7 scientists on studies of people in the community as
8 opposed to only the census track, which are also very
9 important and based upon sound science, I think you may
10 come up with information that is relevant and important
11 and, if nothing else, we know that the decision we're
12 making is based on the best information currently
13 affecting the people in that community. And I don't
14 think waiting 30 days is going to make a difference in
15 terms of the overall long-term waste situation in this
16 city. But it may make a difference to some of the
17 public policy decisions that we make and that other
18 agencies make.

19 So, I'm sorry. But I really feel I need
20 to wait for more of that health information. So I can't
21 support going ahead with the WDRs today.

22 CHAIRPERSON CLOKE: I'm going to ask Mr. Nahai to
23 make a motion, please.

24 MR. NAHAI: If Dr. Simon is going to complete his
25 recommendations in 30 days, I would make a motion that

1 we have the matter come back in 60 days.

2 Motion to continue it for 60 days.

3 MR. LAUFFER: Can I add a point of clarification,
4 because I know that the individuals from the community,
5 I have no doubt, it's a burden for them to come down
6 here and bring the items up. I think you heard
7 Dr. Simon testify that it's in 30 days he's making his
8 recommendations to the County.

9 Obviously, he hasn't reached what those
10 are going to be. But I think it's also very clear that
11 within 60 days, he's not going to have a conclusion.

12 MR. NAHAI: We understand that. But what we're
13 trying to do, I think, here -- what we're trying to
14 craft is to be fair to BFI, not to put BFI off
15 indefinitely. We want to send a message to BFI that we
16 want to be very much vigilant; we want to be fair. We
17 want to make -- we want to try to minimize the
18 prejudice. At the same time, what we want to say to the
19 community is that this Board is not going to turn a
20 blind eye to your pain.

21 And so in 60 days we understand that we
22 won't have conclusions, but Dr. Simon would have at
23 least completed his initial report back to the County.

24 Okay. Enough. I'm sorry.

25 CHAIRPERSON CLOKE: We just took you off the

1 Board, Michael.

2 Let's go back, and I think David's motion,
3 which is for a continuation for 60 days to allow
4 Dr. Stratton and Dr. Simon time to better understand
5 this issue, but also not -- I think it's important that
6 David said this -- it's not to defer this for so long
7 that it becomes burdensome to the Applicant because we
8 see both sides of this issue.

9 So is there a second?

10 MR. SHEEHAN: I'll second.

11 CHAIRPERSON CLOKE: Seconded by Mr. Shaheen.

12 Can we have a vote, please. All those in
13 favor.

14 (Response by board members.)

15 CHAIRPERSON CLOKE: And that motion carried
16 unanimously.

17 Do I have a motion for adjournment?

18 MS. DIAMOND: So moved.

19 CHAIRPERSON CLOKE: All those in favor.

20 (Response by board members.)

21 CHAIRPERSON CLOKE: Thank you, very much
22 everybody. That motion passes and this meeting is
23 adjourned.

24 (At 5:50 p.m. the meeting is adjourned.)

25

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF LOS ANGELES)

3

4 I, ELIZABETH RIORDAN, CSR No. 11252, do hereby
5 certify:

6 That the foregoing transcript of proceedings
7 was taken before me at the time and place therein set
8 forth and was taken down by me in shorthand and
9 thereafter transcribed by computer under my direction
10 and supervision, and I hereby certify that, to the best
11 of my ability, the foregoing transcript of proceedings
12 is a full, true and correct transcript of the
13 proceedings.

14 I further certify that I am neither counsel
15 for nor related to any party to said action nor in any
16 way interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed
18 my name this day of October 2003.

19

20

21

ELIZABETH RIORDAN, C.S.R. NO. 11252

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